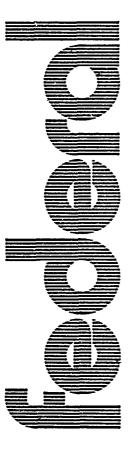
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| Monday          | Tuesday    | Wednesday | Thursday        | Friday     |
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Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

# federal register



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Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202–523–5240.

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# reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

#### **Rules Going Into Effect Today**

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#### List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents, Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel
CHAPTER I—CIVIL SERVICE COMMISSION
PART 213—EXCEPTED SERVICE

Federal Deposit Insurance Corporation

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The position of Secretary to the Counsel to the Chairman of the Board of Directors is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: July 25, 1977.

FOR FURTHER INFORMATION CON-TACT:

William Bohling. (202-632-4533).

Accordingly, 5 CFR 213.3333(j) is added as set out below:

§ 213.3333 Federal Deposit Insurance Corporation.

(j) One Secretary to the Counsel to the Chairman of the Board of Directors. (5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954– 1958 Comp., p. 218.)

> UNITED STATES CIVIL SERV-ICE COMMISSION, JAMES C. SPRY, Executive Assistant to the Commissioners.

[FR Doc.77-21434 Filed 7-22-77;8:45 am]

#### Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKET-ING SERVICE (MARKETING AGREE-MENTS AND ORDERS; FRUITS, VEGE-TABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Regulation 564, Amendment 1]

PART 908—VALENCIA ORANGES GROWN
IN ARIZONA AND DESIGNATED PART OF
CALIFORNIA

#### Limitation of Handling

AGENCY: Agricultural Marketing Service. USDA.

ACTION: Amendment to Final rule.

SUMMARY: This amendment increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period July 15–21, 1977. The amendment recognizes that demand for Valencia oranges has improved, since the regulation was issued. This action will increase the supply of oranges available to consumers.

DATES: Weekly regulation period July 15-21, 1977.

FOR FURTHER INFORMATION CON-TACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-3545.

INFORMATION: SUPPLEMENTARY Findings. (1) Pursuant to the amended marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of recommendations and information submitted by the Valencia Orange Administrative Commit-tee, established under the marketing agreement and order, and other available information, it is found that limitation of handling of Valencia oranges as provided in this amendment will tend to effectuate the declared policy of the act

(2) Demand in the Valencia orange markets has improved since the regulation was issued. Amendment of the regulation is necessary to permit orange handlers to ship a larger quantity of Valencia oranges to market to supply the increased demand. The amendment will increase the quantity permitted to be shipped by 175,000 cartons, in the interest of producers and consumers.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication in the Federal Register (5 U.S.C. 553), because the time intervening between the date when information became available upon which this amendment is based and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Valencia oranges.

(b) Order, as amended. The provisions in paragraph (b) (1) (i), and (ii) of \$ 908.864 Valencia Orange Regulation 564 (42 FR 36231) are hereby amended to read as follows:

§ 908.864 Valencia Orange Regulation 564.

(i) District 1: 310,000 cartons;(ii) District 2: 465,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: July 20, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural
Marketing Service.

[FR Doc.77-21278 Filed 7-22-77;8:45 am]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Pear Commodity Committee Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses of \$535,624 and a rate of assessment of \$0.125 per lug box of pears for the functioning of the Pear Commodity Committee for the 1977-78 fiscal period. The committee is established under a Federal marketing order program regulating the handling of fresh pears, plums, and peaches grown in California. The regulation will enable the committee to collect assessments from first handlers on all assessable pears handled and to use the resulting funds for its expenses.

DATES: Effective for the period March 1, 1977, through February 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-3545).

SUPPLEMENTARY INFORMATION: On June 28, 1977, notice of proposed rule-making was published in the Federal Register (42 FR 32802) regarding proposed expenses and rate of assessment, under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917) regulating the handling of fresh pears, plums, and peaches grown in California. This notice allowed interested persons 13 days during which they could submit written comments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matter presented, including the proposals set forth in the notice, which were submitted by the Pear Commodity Committee (established under the marketing agreement and order), it is found and determined that:

# § 917.217 Pear Commodity Committee expenses and rate of assessment.

- (a) Expenses. Expenses that are reasonable and likely to be incurred by the Pear Commodity Committee during the fiscal period March 1, 1977, through February 28, 1978, will amount to \$535,624.
- (b) Rate of assessment. The rate of assessment for the fiscal period payable by each handler in accordance with § 917.37 is established at \$0.125 per No. 29B special lug box of pears, or its equivalent in other containers or in bulk.
- (c) Terms. Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order, and "No. 29B special lug box" shall have the same meaning as set forth in Section 1387.11 of the "Regulations of the California Department of Food and Agriculture".

It is further found that good cause exists for not postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) Shipments of the current crop of fresh pears grown in California are underway; (2) provisions of the marketing agreement and this part require that the rate of assessment shall apply to all assessable fresh pears handled during the fiscal period; and (3) the fiscal period began March 1, 1977, and the rate of assessment will automatically apply to all fresh pears handled during the period.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).)

Dated: July 20, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural
Marketing Service.

[FR Doc.77-21358 Filed 7-22-77;8:45 am]

# PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Plum Commodity Committee Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses of \$938,928 and a rate of assesment of \$0.095 per lug of plums for the functioning of the Plum Commodity Committee for the 1977-78 fiscal period. The committee is established under a Federal marketing order program regulating the handling of fresh pears, plums, and peaches grown in California. The regulation will enable the committee to collect assessments from first handlers on all assessable plums handled and to use the resulting funds for its expenses.

DATES: Effective for the period March 1, 1977, through February 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-3545).

SUPPLEMENTARY INFORMATION: On June 16, 1977, notice of proposed rule making was published in the Federal Register (42 FR 30626) regarding proposed expenses and rate of assessment, under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917) regulating the handling of fresh pears, plums, and peaches grown in California. This notice allowed interested persons 19 days during which they could submit written comments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

After consideration of all relevant matter presented, including the proposals set forth in the notice, which were submitted by the Plum Commodity Committee (established under the marketing agreement and order), it is found and determined that:

# § 917.218 Plum Commodity Committee expenses and rate of assessment.

- (a) Expenses. Expenses that are reasonable and likely to be incurred by the Plum Commodity Committee during the fiscal period March 1, 1977, through February 28, 1978, will amount to \$938,928
- (b) Rate of Assessment. The rate of assessment for the fiscal period payable by each handler in accordance with § 917.37 is established at \$0.095 per No. 22D standard lug box of plums, or its equivalent in other containers or in bulk.
- (c) Terms. Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order, and "No. 22D standard lug box" shall have the same meaning as set forth in Section 1387.11 of the "Regulations of the California Department of Food and Agriculture".

It is further found that good cause exists for not postponing the effective date until 60 days after publication in the Federal Register (5 U.S.C. 553) in that: (1) Shipments of the current crop of fresh plums grown in California are underway; (2) provisions of the marketing agreement and this part require that the rate of assessment shall apply to all assessable fresh plums handled during the fiscal period; and (3) the fiscal period began March 1, 1977, and the rate of assessment will automatically apply to all fresh plums handled during the period.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674))

Dated: July 20, 1977.

CHARLES R. BRADER, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-21361 Filed 7-22-77;8:45 am]

Title 8-Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

#### PART 214-NONIMMIGRANT CLASSES

Labor Certification Requirements for Nonimmigrant Alien Workers in the Territory of Guam

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This is an amendment to the regulations of the Immigration and Naturalization Service requiring that petitions to import nonimmigrant alien workers into the Territory of Guam must be accompanied by a labor certification issued by the U.S. Secretary of Labor or his designated representative, or a notice that such certification cannot be made. This action is necessary because present Service regulations concerning the importation of nonimmigrant alien workers provide that labor certifications must be applied for to the U.S. Secretary of Labor when the alien workers sought are to be employed in the United States except that a certification made by the Employment Service of the Territory of Guam will be accepted when the alien workers sought are to be employed in the Territory of Guam. This amendment will make the consultations and labor certification process required to be followed in these cases uniform throughout the United States.

EFFECTIVE DATE; July 25, 1977. However, interested parties may submit written representations to the Commissioner of Immigration and Naturalization by September 8, 1977.

ADDRESSES: Please submit written representations, in duplicate, to the Commissioner of Immigration and Naturalization, Room 7100, 425 I Street NW., Washington, D.C. 20536.

FOR FURTHER INFORMATION CONTACT:

James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536. Telephone: (202) 376–8373.

SUPPLEMENTARY INFORMATION; This amendment to 8 CFR 214.2(h) (3) (1) is being published in accordance with section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93-502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1.

Section 101(a) (15) (H) (ii) of the Immigration and Nationality Act provides for the classification as a nonimmigrant, of an alien who is coming to the United States temporarily to perform temporary services or labor if unemployed persons capable of performing such service or labor cannot be found in this country. Section 101(a) (38) of the Immigration

and Nationality Act (8 U.S.C. 1101(a) (38)) provides that for the purposes of administration of the immigration laws, the term "United States" includes Guam.

Section 214(c) of the Act (8 U.S.C. 1184(c)) provides that the question of importing any alien as a nonimmigrant under section 101(a) (15) (H) of the Act in any specific case or specific cases shall be determined by the Attorney General, after consultation with appropriate agencies of the Government, upon petiafter tion of the importing employer. The Immigration and Naturalization Service exercises the delegated authority of the Attorney General in determining the appropriate agency to be consulted in the question of the importation of nonimmigrants under sections 214 and 101(a) (15) (H). In the exercise of that authority, the Service has considered the United States Department of Labor as the appropriate agency for the consultation required under section 214(c) of the Act on account of its expertise in labor matters.

This statutory consultation require-- ment is further implemented in & CFR 214.2(h) (3) (i) which provides that every nonimmigrant visa petition to accord an alien nonimmigrant classification as a temporary worker under section 101(a) (15) (H) (ii) of the Act shall be accompanied by a certification by the Secretary of Labor or his designated representative stating that qualified persons in the United States are not available and that the employment of the beneficiary will not adversely affect the wages and working conditions of workers in the United States similarly employed, or a notice that this certification cannot be made.

However, this regulation provides an exception for the Territory of Guam in that the Service will accept a labor certification issued by the Employment Service of the Territory of Guam in support of a petition to import nonimmigrant alien temporary workers into that Territory, in lieu of a certification issued by the U.S. Secretary of Labor or his designated representative.

The Service has determined that the consultation and labor certification requirements which must be met before nonimmigrant alien workers may be imported into the United States should be uniform throughout the United States. In order to implement this decision, 8 CFR 214.2(h) (3) (i) will be amended by deleting the second sentence which provides for acceptance by the Service of labor certifications issued by the Employment Service of the Territory of Guam.

Henceforth, the Service will ask that the Employment Service of the Territory of Guam only receive the application for labor certification and transmit that application to the appropriate office of the U.S. Department of Labor for issuance of the required labor certification or the notice that the certification cannot be made. This is the manner in which all other state and local employment service offices throughout the United States process applications for labor certification in cases involving petitions to clas-

sify aliens as nonimmigrant temporary workers filed under section 101(a) (15) (H) (ii) of the Immigration and Nationality Act.

On and after the effective date of this regulation, the Service will no longer accept petitions filed on Form I-129B to import nonimmigrant allen "H-2" workers into the Territory of Guam unless the petitions are accompanied by labor certifications issued by the U.S. Secretary of Labor or his designated representative, or by his notices that such certifications cannot be made.

In the light of the foregoing, 8 CFR 214(h) (3) (i) is hereby revised to read as follows:

In Part 214, § 214.2(h) (3) (i) is revised by deleting the second sentence thereof. As revised § 214.2(h) (3) (i) reads as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

(h) Temporary employees. \* \* \*

(3) Petition for alien to perform temporary service or labor-(i) Labor certification. Either a certification from the Secretary of Labor or his designated representative stating that qualified persons in the United States are not available and that the employment of the beneficiary will not adversely affect the wages and working conditions of workers in the United States similarly employed, or a notice that such a certification cannot be made, shall be attached to every nonimmigrant visa petition to accord an alien a classification under section 101 (a) (15) (H) (ii) of the Act. If there is attached to the petition a notice from the Secretary of Labor or his designated representative that certification cannot be made, the petitioner shall be permitted to present countervalling evidence that qualified persons in the United States are not available and that the employment policies of the Department of Labor have been observed. All such evidence submitted will be considered in the adjudication of the petition.

(Secs. 101(a) (38), 103 and 214(c); 8 U.S.C. 1101(a) (38), 1103 and 1184(c).)

Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment relates to agency procedure relative to consultation with appropriate governmental agencies with respect to the question of the importation of nonimmigrant alien temporary workers under section 101(a) (15) (H) of the Immigration and Nationality Act, as required by section 214(c) of the Act. However, in the spirit of 5 U.S.C. 553, opportunity will be given interested parties to submit written comments, data, views and arguments concerning this final rule on or before September 8, 1977. Any written comments should be submitted to the Commissioner of Immigration and Naturalization at the above address.

Effective date: This rule will become effective on July 25, 1977.

Dated: July 20, 1977.

LEONEL J. CASTILLO, Commissioner of Immigration and Naturalization. [FR Doc.77-21310 Filed 7-22-77;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 450—ENERGY MEASURES AND ENERGY AUDITS

**Energy Measures List** 

AGENCY: Federal Energy Administration.

ACTION: Final rule.

SUMMARY: The Federal Energy Administration, by final rule, establishes a list of energy conservation measures and renewable-resource energy measures it has developed after consultation with the Secretary of Housing and Urban Development. This document provides a subpart to, and thereby combines the list of energy measures with, the energy audit rulemaking. Depletion of the Nation's domestic resources of fossil fuels has focused attention on the need to identify energy conservation and renewable-resource energy measures which the implemented in existing residential or commercial buildings and industrial plants.

DATE: Effective date: July 15, 1977. FOR FURTHER INFORMATION CONTACT:

Allen Jaisle, Office of Program Development, Office of Conservation, Federal Energy Administration, Washington, D.C. 20461 (202–566–7856).

John Pulice, Office of Synfuels, Solar and Geothermal Energy, Office of Energy Resource Development, Federal Energy Administration, Washington, D.C. 20461 (202–566–6192).

SUPPLEMENTARY INFORMATION:
1. Introduction. 2. Section 450.3 Definitions. 3. Section 450.31 Energy Conservation Measures, and Section 450.32 Reouirements and Limitations For Energy Corservation Measures. 4. Section 450.33 Renewable-Resource Energy Measures, and Section 450.34 Requirements for Renewable-Resource Energy Measures.

#### 1. Introduction

On June 10, 1977. the Federal Energy Administration (FEA) published a notice of proposed rulemaking, 42 FR 29906 et seq., to amend Part 450, Chapter II of Title 10. Code of Federal Regulations (CFR), to establish a list of energy conservation and renewable-resource energy measures (energy measures) developed by FEA, after consultation with the Department of Housing and Urban Development (HUD), under Section 432 (d), 42 U.S.C. 6325 (e) (1), of the Energy Conservation and Production Act (Act); Pub. L. 94-385, 90 Stat. 1125 et seq. Section 432 amends Part C of Title III of the

Energy Policy and Conservation Act (EPCA), 42 U.S.C. 6321-6326.

FEA published proposed procedures for energy audits on April 15, 1977, at 42 FR 20012, and published a final rule for energy audits on June 29, 1977, at 42 FR 33158. This rulemaking for energy measures amends the energy audit rulemaking by adding a new Subpart D to combine energy audits and energy measures in one consolidated part and by providing additional necessary definitions.

FEA solicited comments for its consideration from interested persons on the proposed energy measures list if submitted by June 30, 1977, and FEA held a public hearing in Washington, D.C. on June 29, 1977.

In response to the notice of proposed rulemaking, six persons presented oral testimony and 19 written comments were received by FEA. This final rule contains revisions to the proposed rule which reflect FEA's consideration of the comments as well as other information available to FEA.

Some comments mistook an energy measure for a regulatory requirement applicable to construction, alteration or retrofit of a building or industrial plant. No one is required to use or install any energy measures in a residential or commercial building or an industrial plant. Anyone may use an energy measure, with or without regard to the requirements prescribed in this rulemaking.

The energy measures list does not establish performance or prescriptive standards but instead, as explained in the proposed rulemaking, has only three identifiable uses.

First, the energy'measures list will be used by States participating in the program for supplemental State energy conservation plans. To be eligible for financial assistance, section 432 of the Act (42 U.S.C. 6326), provides that a supplemental plan shall include procedures for carrying out a continuing public education effort to increase significantly public awareness of energy and cost savings which are likely to result from implementation of energy measures. Moreover, each supplemental plan must also contain procedures to encourage energy audits. An energy audit is a process which identifies energy and cost savings likely to be realized through the purchase and installation of energy measures such as those identified by the proposed list. Final guidelines for supplemental plans were published by FEA on May 24, 1977, at 42 FR 26413, and Congress has appropriated \$12 million dollars for this program.

Secondly, an energy measure on the list is eligible, on a national or regional basis, for financial assistance pursuant to section 509 of the Housing and Urban Development Act of 1970 or thirdly, for obligation guarantees under section 451 of the Act. No funds have been appropriated to provide financial assistance for implementation of either program. Therefore, for all practical purposes, this list is to be used at the present time only in connection with the program for supplemental State energy conserva-

tion plans. Whether Congress may at some future time appropriate funds for the other two programs or enact a new Federal program to provide financial assistance for or otherwise provide for the use of an energy measure included in this list is purely speculative and beyond the scope of this rulemaking.

Some comments questioned whether and, if so, how FEA coordinated the rulemaking process for the energy measures list and energy audits. Both rulemakings have been consolidated in Part 450 because they are interdependent. Both the list of energy measures and the energy audit procedures identify a modification as an energy measure so that both must employ identical definitions, administrative findings and interpretations.

The energy measures list and energy audits use the qualifying conditions for an energy measure prescribed in § 450.4 as the basic criteria for assessing a modification and are predicated on the fuel price projections contained in Appendix A to Part 450. FEA has made certain that the consolidation of the list of energy measures with energy audit procedures is internally consistent.

Numerous comments concerned energy price projections contained in Appendix A of Part 450 which FEA employed to evaluate cost recovery for a modification. These prices were criticized as being too low, being average "rolledprices, and being representative of past policies. Similar questions were raised regarding the proposed energy audit rulemaking which published these prices, and these comments were considered by FEA prior to issuance of the final rule for energy audits which only slightly changed the proposed price projections. Reconsideration of these prices by FEA would be untimely and unnecessary since the final energy audit rule was only published on June 29, 1977.

At that time, FEA stated:

FEA intends to revise its projections when appropriate and may hold public hearings where significant changes are made to these projections. FEA will endeavor to provide up-to-date projections but not with such frequency as to cause undue burdens, uncertainty, and confusion for energy auditors. 42 FR 33159.

One comment urged FEA to be less rigorous in its application of cost recovery criteria in assessing energy measures because of the degree of imprecision and because so many significant factors are excluded from consideration. The comment also pointed out that the approach of the energy measures list is much more detailed than the lists of energy saving investments in the National Energy Act as proposed by the Administration.

FEA has fully considered the restrictions on precision necessary to develop a broadly inclusive energy measures list. For this reason, FEA has not included modifications unless FEA obtained information and data which FEA determined provided a reasonable level of precision and reliability. The explicitness of the cost recovery provisions of the Act leaves little room for establishing a less

restrictive evaluation which could provide a more inclusive list with fewer requirements and limitations. FEA is aware of the different approach proposed in the National Energy Act. However, this rulemaking is confined to the authorities established by the Act and cannot at this time reflect or otherwise anticipate future changes in legislation which may be enacted by Congress.

One comment suggested a 30-day extension of the comment period. FEA does not believe this was necessary because no similar request was received from any other person, and the comment presented a full and carefully considered discussion of the commenter's concern. Accordingly, FEA has decided to adhere to the original comment period because an adequate discussion of the issues has been made possible by this comment period.

Some comments urged that FEA undertake an active program to educate consumers and businessmen about energy measures, to encourage their use and to identify effective conditions for installation of an energy measure. While these comments do not directly address this rulemaking, FEA appreciates these comments on educational and informational efforts to complement rulemaking in this area. FEA is undertaking such an effort in conjunction with the States under the program for supplemental State energy conservation plans.

#### 2. Section 450.3 Definitions

One comment suggested that, the energy measures list be broadened to include modifications other than "hardware". Presumably this means design or operational adjustments should be considered modifications eligible for inclusion in the energy measures list. Because of the definitions contained in the Act for "energy conservation measure" "renewable resource-energy measure," an energy measure may only include a modification to a building or industrial plant (the latter term including an industrial process) which has been purchased and installed. For this reason, FEA has interpreted the Act to require that a "modification" cannot include a design or operational change which cannot be purchased and installed.

One comment drew attention to the proper definition for the abbreviation of ASTM as the American Society for Testing and Materials. The definition has been so changed.

A few comments indicated that "heating degree days" and "cooling degree days" should use a different base tempermature than 65° F. The data is provided by the National Oceanic and Atmospheric Administration, Department of Commerce. FEA has retained this definition because it represents the best currently available standardized collection of climatic information which can be readily adapted to the needs of FEA's conservation program.

FEA's conservation program.

Some comments indicated that the "R-Value" definition should include specification of the mean temperature at which the R-Value is measured because thermal conductivity varies with tem-

perature. The definition in § 450.3 is modified so that the R-Value is to be measured at the mean temperature of the insulation under design conditions. FEA, however, decided it would be unnecessarily complex to specify the mean temperatures for different types of uses.

FEA has also provided definitions for "ANSI Standard" and "IEEE Standard" to clarify the source of referenced commercial standards.

3. Section 450.31 Energy Conservation Measures and Section 450.32 Requirements and Limitations for Energy Conservation Measures

Proposed § 450.31 identified and described energy conservation measures included in the energy measures list. Proposed § 450.32 stated the requirements and limitations for each energy conservation measure identified in proposed § 450.31. Comments on both these sections are combined for clarity and presented below. Comments proposing the addition of an energy conservation measure to the proposed list are addressed either in the discussion of closely related energy conservation measures or separately.

#### A. CEILING INSULATION

Some comments suggested that ceiling insulation not be limited to installation between the heated top level living area and the unheated attic space but also include installation of insulation on the surface of the ceiling. FEA agrees and has changed the definition accordingly.

One comment suggested the R-Value level be broadened to include up to R-38 for residential ceiling insulation in all climate zones when the residence is both heated and air conditioned. FEA does not believe the evidence of energy saving in the cooling season is sufficiently clear to justify this increase in the thickness of insulation.

#### B. WALL INSULATION

The use of insulation on the building interior surface of a wall with an exterior exposure was recommended by some comments. Upon review, FEA agrees and has changed the provision in § 450.31(b) to include this installation of interior insulation. FEA has also revised the requirement so that only a wall with an exterior exposure is to receive wall insulation. FEA has found that insulation of partition walls is generally not worth the cost and the regulation is not formulated to take into account exceptional conditions.

Some comments suggested that § 450.-32(b) restricting installation of wall insulation to a 4 inch wall cavity was too restrictive. FEA agrees and has deleted reference to a maximum thickness for the wall cavity. For the climate zones specified, it is unlikely that variations in wall cavity size will result in applications with insufficient cost recovery. Further it seems unlikely that too much interior insulation would be applied since there is a natural inclination to maximize interior space.

One comment suggested insulated aluminum siding as an energy conservation measure. If this modification were eligible, it could be included within the definition of wall insulation. The insulating value of such siding is typically quite low in relation to its cost. FEA does not believe that a reasonable judgment can be made that insulated aluminum siding will have sufficient cost recovery from energy savings so that this modification meets neither the primary purpose nor the cost recovery criteria.

#### C. FLOOR INSULATION

No comments were received and no changes have been made.

#### D. PIPE INSULATION

Some comments pointed out that a level of R-19 may be too broad where there are space limitations or where pipe sizes are very large. FEA, however, only specified R-9 in proposed § 450.—32(d) as a maximum which may not be exceeded. A lower R-Value could be installed. Upon further consideration however, FEA concludes that pipe insulation has such a high cost recovery in nearly all applications that no R-Value limitations are considered necessary for this energy measure. Moreover, FEA is re-luctant to be overly restrictive concerning pipe insulation because cost recovery is expected in any reasonable application. Any excessive use of pipe insulation application would most likely occur in commercial and industrial installations where purchasers have both the knowledge and incentive to avoid such a misallocation of resources. Accordingly, § 450.32(d) does not contain an R-Value restriction.

Some comments suggested that FEA Conservation Paper No. 46, entitled "Economic Thickness of Industrial Insulation," should be used to establish mandatory requirements for pipe and other insulation applications. FEA has not followed this suggestion because the degree of control is not warranted for the reasons discussed but FEA recommends its use as a source of information on sound business practice.

#### E. CAULKING AND WEATHERSTRIPPING

No comments were received and no changes have been made.

#### F. ROOF INSULATION

Some comments suggested proposed § 450.31 include insulation installed on the surface of a roof facing a building interior. FEA agrees and has changed the definition to include this installation.

#### G. CLOCK THERMOSTAT

One comment suggested that an additional energy conservation measure be included for a very advanced form of time and temperature controller. FEA believes that the definition in proposed § 450.31(g) is sufficiently broad to include this device.

#### H. HOT WATER HEATER INSULATION-

Some comments indicated that R-19 may be too large a thickness for hot

water heater insulation because of space limitations. Proposed § 450.32(h) set R-19 as a maximum which may not be exceeded. Where space limitations preclude use of the maximum amount of insulation, FEA finds it unnecessary and redundant to provide that a lower level of insulation may be used. FEA has retained the proposed maximum requirement.

#### I. DUCT INSULATION

Comments on space limitations similar to those noted above have been made concerning duct insulation. FEA has retained the proposed maximum R-Value for reasons similar to those discussed above.

#### J. STORM WINDOWS

After review of its cost recovery calculations, FEA has discovered an error resulting from the exclusion of the savings multiplier. The corrected calculation justifies extension of his energy conservation measure to heating zone 2, and \$450.32(j) has been so changed.

One comment suggested inclusion of thermalized and thermal break aluminum windows. Another comment suggested various additional types of replacement windows. One comment suggested that a modification of double glazed to triple glazed windows be considered an energy conservation measure for areas which have not less than 8000 heating degree days.

The suggested modifications are essentially intended to achieve energy savings by preventing infiltration and temperature transmission through penetration similar to those savings achieved by storm windows combined with caulking and weatherstripping. In FEA's judgment, the suggested modifications have insufficient cost recovery for inclusion in the list of energy conservation measures. Essentially the modifications provide similar energy savings to storm windows combined with weatherstripping but are substantially more expensive because of the increased cost of purchase and installation of replacement windows. Accordingly, FEA has not changed the storm window definition or otherwise included the suggested modifications on the

#### K. LIGHTING

One comment suggested that proposed § 450.31(k) be expanded to include a change from mercury vapor to high pressure sodium lighting systems. The comment further suggested that proposed § 450.32(k) delete the word "incandescent" so that a doubling of useful light output is required regardless of the lighting system used. FEA believes the suggested changes will usefully broaden this energy conservation measure while achieving cost recovery; therefore, the suggested changes have been made

One comment suggested specifications regulating the amount of illumination allowable for different uses. FEA has not adopted this recommendation because it is extrinsic to the energy and cost savings likely to be derived from the purchase and installation of an energy measure.

Regulation of how much energy may be consumed for a particular use is beyond the scope of this rulemaking and the provisions of the Act.

#### L. MIXING VALVE

No comments were received and no changes have been made.

#### M. FLOW RESTRICTOR

No comments were received and no changes have been made.

#### N. RESIDENTIAL OIL BURNER

One comment objected to the requirement in proposed § 450.32(n) that residential oil burners be eligible only in heating systems which cannot be adjusted to achieve a minimum efficiency level specified for each heating zone. FEA has retained this requirement because residential users should get the immediate energy conservation benefits and cost savings of furnace adjustment. the cost of which is low relative to installation of a replacement oil burner. Moreover, it is likely that cost recovery for a residential oil burner will not be attained where indicated efficiency levels can be achieved by furnace adjustment. As for its impact on businessmen, FEA finds retention of this requirement will not be burdensome or overly complex for oil dealers and others who install this equipment because these businessmen are presumed knowledgeable concerning furnace adjustment and their operations are generally restricted to one heating

FEA's judgment that 82 percent efficiency is a reasonable expectation from new burners was confirmed by comments. However, FEA recognizes that this performance is predicated on proper matching of the new burner with other components of the heating system.

#### O. INDIVIDUAL METERS

One comment suggested that this energy conservation measure be limited to changes from master to individual metering without changing energy sources. FEA believes this requirement was self evident in the proposed language of § 450.32(o) and has therefore not made any change.

## P. BURNERS AND CONTROLS FOR COMMERCIAL \*\* BUILDINGS AND INDUSTRIAL PLANTS

One comment noted that the recuirements for this energy conservation measure are very stringent. The proposed requirements are retained in the final rule because cost recovery is only likely where there is a large gain in efficiency. Other comments concurred with the requirements of this energy conservation measure. Again, FEA recognizes that expected performance is predicated on properly matched heating system components.

#### Q. LIGHTING CONTROLS

No comments were received, and no changes have been made.

#### R. HVAC CONTROL SYSTEM

One comment suggested that automated computer, microprocessor and logic controller devices be included in

this energy conservation measure. FEA agrees and has added § 450.32(r) (6) to include these modifications.

#### S. HIGH EFFICIENCY ELECTRIC MOTORS

One comment noted that the specifications in the proposed rule were based on totally enclosed fan cooled motors but that other categories of motors can achieve similar efficiencies at even lower costs. Upon further consideration, FEA concludes that the energy measure should be both broadened and simplified. Therefore, FEA has changed the requirement so that § 450.32(s)' requires only that the efficiency improvement be as specified and that the service duty be substantially continuous, which means 5.000 hours minimum annual use.

Broadening of this energy conservation measure to include motor controls as well as motors to achieve high efficiency electric motor operation was suggested by another comment. Motor controls capable of achieving the stated efficiency increase are judged by FEA to be likely to cost less than a high efficiency motor itself. Accordingly, § 450.32(s) includes such controls.

One comment noted a discrepancy between the technical support document and the proposed rulemaking. The technical support document stated that the attributed life was 10 years, and proposed § 450.32(s) was calculated upon the basis of an attributed life of 7.5 years. FEA finds the attributed life to be 10 years as stated in the technical support document, and the revised subparagraph is consistent with this conclusion.

#### T: VENTILATION

Some comments suggested that ventilation devices other than the whole house ventilation fan be included in the list of energy conservation measures. Test results submitted have been reviewed, and FEA remains unconvinced that other ventilation devices can be included at this time. After joint industry-government tests which have been planned are conducted, FEA may obtain more reliable information which could serve as a basis to réconsider inclusion of other ventilation devices.

#### U. ADDITIONS TO THE LIST

Several comments suggested the addition of modifications to the list which were not previously proposed by FEA. FEA is reluctant to add such modifications to the list without first providing an opportunity for public review and comment. FEA believes that some of the modifications recommended appear unlikely to meet the criteria for an energy measure. An example is a respiratory personnel protection system, which appears to be primarily for occupational health and safety purposes.

- FEA will modify the list when a modification can be properly assessed and when a revision of the energy measures list is appropriate.
- 4. Section 450.33 Renewable-Resource Energy Measures and Section 450.34 Requirements for Renewable-Resource Energy Measures

Proposed § 450.34 has been revised because many comments apparently misunderstood the requirement for a verification audit. FEA has determined that, with two exceptions, the likelihood of cost recovery cannot be ascertained, at this time, without a verification audit. Therefore § 450.34(a) requires use of an energy audit except for the two applications set forth in § 450.34 (b) and (c) respectively, each of which requires the use of a simple formula for establishing cost recovery. However; a person may choose to use a verification audit in lieu of the formulas. A person may select this option, for instance, to obtain more precise information about energy and cost savings or where information required for the formula cannot be obtained.

Three comments expressed concern that FEA was favoring electricity over more efficient fuel systems by mentioning only measures which use or generate electricity. FEA has selected energy measures which it believes most effectively meet the requirements of the Act. Some of these may require the use of electricity; others, such as a woodfred boiler or an urban waste pyrolysis system, may not. The purpose of designating renewable-resource energy measures is to encourage the use of nondepletable resources.

The Act requires an increase in efficiency for an energy conservation measure but not for a renewable-resource energy measure. The reason for the distinction is that increased efficiency need not be demonstrated for a renewable-resource energy measure so long as the use of a renewable-resource results in the decreased use of a depletable energy source. Accordingly, although the list is not intended to favor the use of renewable-resource electricity, the energy measures are intended to diminish the use of oil and gas which are depletable sources of energy by substi-tution of nondepletable sources. Furthermore, FEA has developed the list of renewable-resource energy measures so that there will be a net decrease in the consumption of a depletable energy source resulting from a change of energy systems required by the installation of a modification.

#### A. SOLAR WATER HEATER

No comments were received and no changes have been made.

#### B. AIR SOURCE HEAT PUMP

Four comments recommended the exclusion of heat pumps because such equipment does not utilize a renewableresource. FEA has determined that an air source heat pump extracts a portion of the heat contained in the ambient air which has been heated by the sun outside of a building and transfers it into the building, thereby using solar energy as a resource to heat the building. The electric energy necessary to run the heat pump is not assumed to be derived from a renewable resource, so only a part of the fuel requirements of a building are changed to a renewable energy source by installing a heat pump. However, the Act specifically defines a renewableresource energy measure to include a change "in whole or part" from a depletable to a non-depletable source of energy, and FEA has determined that a heat pump satisfies this requirement.

Three comments recommended that an air-source heat pump be removed from the list because its use tends to encourage purchase by the consumer of a reversecycle heat pump which also provides air conditioning. They argued that the resulting use of air conditioning could cause an increase in the consumption of a depletable energy source in excess of the system it replaced. FEA recognized this in the proposed rulemaking and. for this reason, requires an energy audit for the installation of a reverse-cycle heat pump except when the installation replaces both electric resistence heating and air conditioning. Where electric air conditioning already is in operation, FEA concluded that it is highly likely there would be a net saving in energy costs attributable to the heating cycle performance of the heat pump.

Six comments recommended that the heat pump be excluded from the list because a heat pump uses electricity and stated that electricity is a very inefficient energy system by comparison with heating systems which use oil or gas.

FEA does not deny that oil and gas home heating systems may, in many cases, be more efficient in their use of depletable resources than a heat pump system. It is for precisely this reason that FEA structured the list so that the procedure specified in § 450.34(c) only be used when a heat pump is to be installed in place of an electric resistance heating system. Several comments indicated that a heat pump will significantly reduce fuel consumption when installed to replace an electric resistance heating system, and FEA has also reached this conclusion. The installation of a heat pump requires an energy audit to ensure that there is a change to a nondepletable source of energy pursuant to § 450.34(a) except where—(1) a heat pump with only heating capability replaces electric resistance space heating; or (2) a reverse cycle heat pump replaces electric resistance space heating and air-conditioning.

One comment indicated that insufficient information is available to a consumer considering the purchase of a heat pump to enable him or her to carry out the calculation provided in proposed § 450.34(a). FEA, however, believes that in most instances a consumer can obtain the needed information. Where this is impracticable, a verification audit is required.

One comment reflected a concern that prices for electricity used to develop the values in the Table of Climatic Factors for heat pumps in proposed § 450.34(c) do not accurately reflect electric heating costs the homeowner will actually pay. The homeowner uses his or her actual previous year's heating cost to compensate for variations between actual heating costs and regional electric prices. The purpose of the Table is to

determine the estimated cost savings attributable to the installation of a heat pump taking into consideration regional use projections. The result, however, is adjusted for the homeowner by the use of his or her actual heating costs.

Three comments questioned FEA's decision not to use a heat pump coefficient of performance (COP) in its formulation of the Table of Climatic Factors. FEA used a heat pump seasonal performance factor (SPF). The use of SPF includes the heat pump COP and additional factors. SPF takes into account heat pump capacity and degree hours at various 'temperature ranges and includes consideration of the supplemental resistance heat required at low temperatures. SPF, but not COP, allows for a evaluation of the performance of heat pump in changing temperatures and FEA considers it to be a better overall indicator of annual performance.

FEA used data provided by manufacturers in its analysis of a heat pump. One comment mentioned a heat pump study conducted by the National Bureau of Standards which reported discrepancies between the data found by testing and data published by one manufacturer. FEA does not conclude that this study provides a reasonable basis for an inference that data supplied by a manufacturer is likely to be inaccurate.

FEA believes that its calculations are based upon the performance of a representative heat rumo and that it has used accurate data. However, additional research is being conducted in both the government and the private sector, and FEA welcomes the submission of new information, FEA will review its Table of Climatic Factors in the light of new information and data as may be appropriate

Two comments recommended the exclusion of a heat pump because it is an "appliance". FEA finds that an airsource heat pump is an integral part of the central heating system of a structure, and thus is not an appliance. For purposes of Part 450, the definition of "appliance" in § 450.3 makes this clear. A modification may constitute a "consumer product" under Part B of Title V of the Energy Policy and Conservation Act, 42 U.S.C. 6201. However, this does not necessarily indicate that such a consumer product is an "appliance" as that term is used by FEA for an energy measure under the Act. Part B does not use or define the term "appliance".

One comment addressed the reliability and repair cost of heat pumps, suggesting that heat pump failure rates and associated repair costs were excessive, and requested that heat pumps be eliminated from the list for that reason. FEA has determined that maintenance and repair costs which can reasonably be anticipated are likely to be more than repaid by the energy savings resulting from replacing an electric resistance heating system with a heat pump. Two comments expressed concern over FEA's determination of a 15 year heat pump life. FEA held discussions with the Na-

tional Bureau of Standards and several major heat pump manufacturers to collect information to determine a valid system life for residential heat pumps. On the basis of these discussions, FEA has chosen a system life of 15 years as the most valid assumption for and has thus retained the 15 year life figure in §450.34(c).

One comment expressed concern that FEA does not provide a method for calculating annual electric space heating costs in proposed § 450.34(c) (3) (ii) . FEA does not believe that one method should be prescribed by regulation. Several methods can be used, each of which provides satisfactory results. A method accentable to FEA for determining the annual space heating costs is to choose a month when neither heating nor airconditioning was used. The electricity cost for this month is the appliance base load. Subtracting this amount from each month's electric bill when heating was required will give the heating cost for each month. The previous year's total heating cost is the sum of the monthly heating costs.

#### C. WATER SOURCE HEAT PUMP

One comment reflected concern that FEA did not establish requirements for the installation of a water-source heat pump. This results from a misunderstanding. A verification audit is required for this energy measure in accordance with § 450.34(a), regardless of the system it is replacing. The energy audit will indicate whether the installation of a water-source heat pump will result in a decrease or an increase in the use of depletable energy resources.

#### D. ADDITIONAL COMMENTS

One comment reflected concern over the inclusion of a water-powered generator proposed in § 450.33(q). The renewable-resource used by a water-powered generator is the potential and kinetic energy in moving water, and FEA believes that the energy audit requirement will assure that its use will not result in an increased use of depletable resources.

Another comment reflected a concern that the use of a skylight may not necessarily result in a reduction in energy consumption. FEA finds that the requirement that this measure undergo an energy audit ensures that any such installation will meet the requirements of the law, and a skylight is listed as an energy measure in § 450.33(g).

One comment recommended a wording change with regard to proposed \$\frac{3}{2}\frac{4}{5}\frac{3}{3}\frac{1}{3}

One comment recommended the inclusion of "hydraulic ram pumps" on the list. An hydraulic ram pump is a device

which uses the energy in moving water to provide pressurized running water for a building. FEA finds that it has insufficient information to determine whether such a modification is an energy measure. However, FEA welcomes the submission of additional information concerning this technology.

One comment urged the addition of ocean thermal energy conversion to the list of measures. While ocean thermal gradients constitute a potentially renewable source of energy, FEA has determined that the technology does not currently meet the standards for selection of energy measures.

#### E. SECTION 450.35 CLIMATE ZONES

A comment suggested that Puerto Rico and the American Virgin Islands be included in cooling zone 1. FEA agrees and has changed the climate zones to include these jurisdictions in cooling zone 1 and heating zone 0.

The proposed regulation was reviewed in accordance with Executive Order 11821 and OMB Circular A-107 issued November 7, 1976, by Executive Order 11949 and has been determined not to be a major proposal requiring an evalu-

ation of its inflationary impact.

(Part B of Title IV of the Energy Conservation and Production Act, Pub. L. 94–385, 90 Stat. 1125 et seq.; also issued under Part C of Title III of the Energy Policy and Conservation Act, Pub. L. 94–163, 89 Stat. 871 et seq., 42 U.S.C. 6321 et seq.; Federal Energy Administration Act of 1974, Pub. L. 93–275, as amended, 15 U.S.C. 761 et seq.; Executive Order 11790, 39 FR 23185).

In consideration of the foregoing Part 450, Subchapter D, Chapter II of Title 10 Code of Federal Regulations is amended as set forth below, effective

immediately.

Issued in Washington, D.C., July 15, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

- 1. In 10 CFR Part 450, the title of the part is revised to read as set forth above.
- 2. Section 450.1 is revised to read as follows:

#### § 450.1 Purpose and scope.

This part designates energy measures and the types of, and requirements for. energy audits as required by the Federal Energy Administration, pursuant to section 432(d) of the Energy Conservation and Production Act, Pub. L. 94-385, 90 Stat. 1125 et seq., which adds section 365(e) (1) and (2), 42 U.S.C. 6325(e) (1) and (2), to the Energy Policy and Conservation Act, 42 U.S.C. 6201 et seq. This part also contains the projections of future energy prices which shall be used in calculating the changes in energy costs which will result from installation of a particular modification in a building or industrial plant, and includes the criteria for determining

whether the installation of a particular modification meets certain requirements of the Act for designation as an energy measure.

3. 10 CFR 450.3 is amended to add, in appropriate alphabetical sequence, definitions of ASTM Standard, ANSI Standard, climatic zone, compressor hours, cooling degree days, cooling zone, Federal Region, heating degree days, heating zone, HVAC, IEEE Standard, and R-Value.

#### § 450.3 Definitions.

"ANSI Standard" means a standard prescribed by the American National Standards Institute.

"ASTM Standard" means a standard prescribed by the American Society for Testing and Materials.

"Climatic zone" means a geographical area of the United States designated by FEA.

"Compressor hours" means the average number of hours which an air conditioning compressor must operate to provide the cooling needed for space conditioning for a cooling zone.

"Cooling degree days" means the annual arithmetic sum of the negative differences of the average daily outside temperature, in degrees Fahrenheit, subtracted from 65 degrees Fahrenheit.

"Cooling zone" means a climatic zone based on cooling degree days or compressor hours.

"Federal Region" means one of the 10 standard regions as described in OMB Circular A-105, Standard Federal Regions.

"Heating degree days" means the annual arithmetic sum of the positive differences of the average daily outside temperature, in degrees Fahrenheit, subtracted from 65 degrees Fahrenheit.

"Heating zone" means a climatic zone based on heating degree days.

"HVAC" means heating, ventilating and air conditioning.

"IEEE Standard" means a standard prescribed by the Institute of Electrical and Electronic Engineers.

"R-Value" means a measurement of the ability of insulation to resist the flow of heat, expressed in English units at the mean temperature of the insulation under design conditions.

4. Part 450 is amended by establishing Subpart D as follows:

#### Subpart D—Energy Measures

Sec.
450.30 Purpose and scope.
450.31 Energy conservation measures.
450.32 Requirements and limitations for energy conservation measures.

450.33 Renewable-resource energy measures.
450.34 Requirements for renewable-resource energy measures.

450.35 Climate zones.

AUTHORITY: Part B of Title IV of the Energy Conservation and Production Act, Pub. L. 94-385, 90 Stat. 1125 et seq.; also issued under Part C, Title III, of the Energy Polloy and Conservation Act, Pub. L. 94-163, 89 Stat. 871 et seq. (42 U.S.C. 6321 et seq.); Federal Energy Administration Act of 1974, as amended, Pub. L. 93-225 (15 U.S.C. 761 et seq.); E.O. 11790, 39 FR 23185.

#### § 450.30 Purpose and scope.

This part establishes a list of energy conservation and renewable-resource energy measures developed by FEA after consultation with the Secretary of Housing and Urban Development Depletion of the Nation's domestic resources of fossil fuels has created a need to identify energy measures which can be carried out in residential and commercial buildings and industrial plants.

#### § 450.31 Energy conservation measures.

Subject to the requirements and limitations set forth in § 450.32, an energy conservation measure shall be—

(a) Ceiling insulation in a residential or commercial building, which is a material which is installed on the surface of the ceiling facing the building interior or between the heated top level living area and the unheated attic space and which resists heat flow through the celling;

(b) Wall insulation in a residential or commercial building or industrial plant, which is a material which is installed on the surface facing the building interior, or in the cavity, of an exterior wall and which functions to resist heat flow through the wall:

(c) Floor insulation in a residential or commercial building, which is a material which resists heat flow through the floor between the first level heated space and the unheated space beneath it, including a basement or crawl space;

(d) Insulation for hot bare pipes in a residential or commercial building or industrial plant, which is a material which resists heat flow from the pipes to the surrounding space:

(e) (1) Caulks and sealants in a residential or commercial building or industrial plant, which are nonrigid materials placed in joints of buildings to prevent the passage of heat, air and moisture;

(2) Weatherstripping in a residential or commercial building or industrial plant, which consists of narrow strips of flexible material placed over or in movable joints of windows and doors to reduce the passage of air and moisture;

(f) Roof insulation in a commercial building or industrial plant, which is insulation placed on the surface of the roof facing the building interior or between a roof deck and its water repellent roof surface;

(g) Clock thermostat in a residential building, which is a temperature control device for interior spaces incorporating more than one temperature control point and a clock for switching from one control point to another;

(h) Exterior insulation for a hot water heater in a residential or commercial building or industrial plant, which is a material placed around the tank which resists the heat flow from the hot water heater to its surrounding space; (i) Insulation for forced air ducts in a residential or commercial building or industrial plant, which is a material which resists heat flow from the duct

to its surrounding space;

(j) Storm window in a residential or commercial building, which is an extra window, normally installed to the exterior, but which may be installed to the interior, of the primary or ordinary window, to increase resistance to heat flow and to decrease air infiltration;

(k) Efficient lighting fixture or lamp in a residential or commercial building or industrial plant, which is one

which-

(1) Replaces an incandescent fixture or lamp with a type of lighting system including fluorescent, mercury vapor, metal halide, and high pressure sodium or ellipsoidal reflector lamps; or

(2) Replaces a mercury vapor fixture or lamp with a high pressure sodium

lighting system.

(1) Mixing valve for a hot water supply line in a residential or commercial building or industrial plant, which is a type of valve mounted in the hot water supply line, close to the water heater, which mixes cold water with hot, reducing the temperature of the water in the hot water distribution system;

(m) Flow restrictor for hot water

(m) Flow restrictor for hot water lines in a residential or commercial building or industrial plant, which is a device that limits the rate of flow of hot water from shower heads and faucets;

(n) Burner for oil fired heating equipment in a residential building, which is a device which atomizes the fuel oil, mixes it—with air and ignites the fuel-air mixture, and is an integral part of an oil fired furnace or boiler, including the combustion chamber;

(o) Individual meters to replace a master meter for gas, electricity and hot water in a commercial building, which are meters that measure the consumption of gas, electricity or centrally distributed hot water for individual users, instead of the total consumption which is measured by a master meter;

(p) (1) New oil burner in a commercial building or industrial plant, which is a device that meters, atomizes, ignites and mixes the oil with air for the com-

bustion process of a boiler; or

(2) New boiler controls in a commercial building or industrial plant, which are devices that sense the need for reducing or increasing the firing rate and change the combustion air and oil flow rate accordingly;

(q) Controls for lighting in a residential or commercial building or industrial plant, which are manual or automatic cut off switches for lighting systems that allow cut off of all lighting or a portion of the lighting systems when lighting is not required:

(r) Automatic HVAC control system in a commercial building or industrial plant, which is a device which adjusts the supply of heating or cooling to meet space conditioning requirements;

(s) High efficiency electric motor or motor controls in a commercial building

or industrial plant, which replace an existing motor or motor controls, resulting in not less than a specified increase in efficiency at a specified level of use, as determined by FEA; and

(t) Whole house ventilation fan in a residential building, which is a fan which removes air from the inside of a residential building to the outside.

# § 450.32 Requirements and limitations for energy conservation measures.

(a) Ceiling insulation shall be that amount which is required to raise the total ceiling insulation in a heating zone as measured by an R-Value, to levels not greater than—

| Teating zone: | R-Value |
|---------------|---------|
| 0             | 26      |
| 1             | 26      |
| 2             | 26      |
| 3             | 30      |
| 34            | 33      |
| 5             |         |
|               |         |

(b) Wall insulation shall be eligible in heating zones 2, 3, 4, and 5.

(c) Floor insulation shall be that amount which is required to raise the total floor insulation in a heating zone, as measured by an R-Value, to levels not greater than—

| Heating zone: | R-Value |
|---------------|---------|
| 0             | 0       |
| Ţ             | 0       |
| 2             | 13      |
| 3             | 19      |
| 4             | 22      |
| 5             | 22      |
|               |         |

(d) Insulation for hot bare pipes shall be eligible in all climate zones.

(e) Caulks, sealants, and weatherstripping shall be eligible in all climate-zones.

(f) Roof insulation shall be no greater than that amount which is required to raise the total insulation to the level of R-Value 20 in heating zone 5. In all other heating zones, this amount of roof insulation is eligible where the structure is air conditioned by an absorption chiller.

(g) Clock thermostats shall automatically change a temperature setting to match heating and cooling demands, and complete not less than one cycle of adjustment in a 24 hour period, in all climate zones.

(h) Exterior insulation for hot water heaters shall be no greater than that amount which is required to raise the total exterior insulation to the level of R-Value 19, in all climate zones.

(i) Insulation for forced air ducts shall be no greater than that amount which is required to raise the total insulation to the level of R-Value 19, in all climate zones.

(j) Storm windows shall be eligible in heating zones 2, 3, 4, and 5, provided that existing windows are single glazed.

(k) Efficient lighting fixtures and lamps shall produce more than twice the useful light per watt of the lighting system, they replace in all elimeter governments.

tem they replace, in all climate zones.

(1) Mixing valves for an hot water supply line shall be capable of manual adjustment of water temperature, without water shut off or disconnection, in all climate zones.

(m) Flow restrictors for hot water lines shall be eligible for all shower heads and faucets in all climate zones.

(n) Residential burners for oil fired heating equipment shall—

(1) Cost less than \$340 installed;

(2) Be certified by the manufacturer to be capable of yielding an efficiency rating of 82 percent or higher in a new furnace as measured by a standard steady state efficiency test measuring CO<sub>2</sub> and stack temperature; and

(3) Replace inefficient burners, which shall be burners that cannot be adjusted using the procedures and tests prescribed in E.P.A. publication 600/2-75-069A, entitled Guidelines for Residential Oil Burner Adjustments, Oct., 1975, to perform at an efficiency not less than—

| Zone: | Efficier<br>after adjust                | Efficiency<br>after adjustment |  |  |
|-------|---|--------------------------------|--|--|
| 0     |   | 0.57                           |  |  |
| 1     |   | .65                            |  |  |
| 2     |   | .69                            |  |  |
| 3     | ~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~ | .73                            |  |  |
| 4     |   | .74                            |  |  |
| 5     |   | .75                            |  |  |

(o) Individual meters to replace master meters for gas, electricity and hot water shall be permitted in all climate

(p) New commercial or industrial oil burners and controls shall—

(1) Replace oil burners that cannot maintain 10 percent CO<sub>2</sub> at ½ firing rate, 11 percent CO<sub>2</sub> at ½ firing rate and 14 percent CO<sub>2</sub> at full firing rate, while producing less than number two smoke spot number for No. 2 oil or less than number three smoke spot number for No. 6 oil, using the test prescribed in ASTM Standard D2156-65(70); and

(2) Be certified by the manufacturer to maintain 11 percent CO<sub>2</sub> at ½ firing rate, 12.5 percent CO<sub>2</sub> at ½ firing rate, and 14.5 percent CO<sup>2</sup> at full firing rate, while producing less than number two smoke spot number for No. 2 oil or less than number three smoke spot number for No. 6 oil using the test prescribed.

(a) Controls for lighting shall be installed on a circuit having a wattage of more than 1,500 watts for automatic controls and 400 watts for manual branch circuit switches, in all climate zones.

(r) HVAC controls, in all climate zones, shall be—

(1) Automatic, turn down, time actuated thermostats;

(2) Steam controls, valves, thermostats, timers, or external temperature sensors to limit space temperatures;

(3) Economizer controls and systems to utilize outside air in lieu of conditioned air when outside air temperatures will assist:

(4) Controls to reduce air distribution volume to meet demand;

(5) Controls to reduce heating or air conditioning systems output to minimum levels during unoccupied periods; or

(6) Automated computer, microprocessor and logic controller associated with HVAC control.

(s) High efficiency motors or motor controls shall have substantially con-

#### **RULES AND REGULATIONS**

tinuous annual use, 5,000 hours minimum, and shall increase efficiency of operation not less than—

|                   | Efficiency increase |
|-------------------|---------------------|
| Motor horsepower: | percentage points 1 |
|                   | 5.7                 |
| 2                 | 5.4                 |
| 5                 | 3.9                 |
| 7.5               | 3.9                 |
| ' 10              | 3.4                 |
| 15                | 3.0                 |
| 20                | 2.4                 |
| 25                | 2.3                 |
|                   |                     |

<sup>1</sup>Efficiencies shall be determined by IEEE standard 112A method B, under ANSI standard C.50.2. Percentage points efficiency increase is the arithmetic sum of the efficiency of the new motor operation less the efficiency of the existing motor operation.

(t) Whole house ventilation fans shall have the capacity to provide one complete exchange of air in less than two minutes, provided that the residential buildings are air conditioned and located in cooling zones 1, 2, or 3.

## § 450.33 Renewable-resource energy' measures.

Subject to the requirements set forth in § 450.34, a renewable-resource energy measure shall be a—

(a) Solar water heater, which is a system which captures energy radiated by the sun, and uses it to heat water;

(b) Air source heat pump, which is a system which is part of the central heating system and which has the capability of extracting heat from a body of air and transferring this heat to a body of liquid or to another body of air for space conditioning purposes;

(c) Water source heat pump, which is a system which is part of the central heating system and which has the the capability of extracting heat from a body of water and transferring this heat to another body of liquid or to a body of air for space conditioning purposes;

(d) Solar space heating or cooling system, which is a system which captures energy radiated by the sun, and uses it for space conditioning purposes;

(e) Solar process heating system, which is a system which captures energy radiated by the sun for use in industrial or agricultural processes;

(f) Solar powered pump, which is a system which captures energy radiated by the sun, and uses this energy to power a pump;

(g) Skylight, which is a device which is installed to replace small portions of a roof for the purpose of supplying a portion of the lighting requirements of a building;

(h) Solar electric dispersed photovoltaic system, which is a system which involves the use of small arrays of cells which convert solar radiation into electric power for on-site use; (i) Wind powered generator, which is a system which captures and stores the energy transmitted by the wind and transforms this energy into electric power:

(j) Wind powered water pump, which is a system which captures the energy transmitted by the wind and uses this energy to extract water from a reservoir;

(k) Urban waste-fired boiler, which is a system which is partially or entirely fueled by refuse or a refuse derived fuel;

 Urban waste pyrolysis system, which is a system which uses urban wastes as a fuel and processes the wastes into a liquid or gaseous fuel;

(m) Agricultural waste-fired boiler, which is a system which is partially or completely fueled by agricultural residues;

(n) Wood-fired stove, which is a stove fueled by wood and which is installed primarily for space conditioning purposes;

(0) Wood-fired boiler, which is a system which is partially or completely fueled by wood or wood residues;

(p) Geothermal space heating or cooling system, which is a system that uses heat extracted from the earth for either electrical generation or space conditioning purposes; and

(q) Water powered generator, which is a system which captures and stores the energy contained in moving water and transforms this energy into electricity.

#### § 450.34 Requirements for -renewableresource energy measures.

(a) Except as provided in paragraphs (b) or (c) of this section, a renewable-resource energy measure listed in § 450.33 must be evaluated by a verification audit in accordance with the procedures in Subpart C of this part to determine whether cost savings in a specific application are sufficient to recover the costs of purchase and installation within the attributed life of the energy measure.

(b) A solar water heater shall not be required to be evaluated by a verification audit if it is a system which—

(1) Is installed in a residential building; and

(2) Replaces an electric resistance water heater; and

(3) Is purchased, installed, and maintained at a total cost which shall not exceed the maximum allowable cost which shall be computed by—

(i) Selecting the correct system life factor in the Federal Region in which the system will be installed for the attributed life of the solar heater specified by the manufacturer in the following table—

Table of system life factors

| Tredens) market  | Years |     |     |     |  |  |
|------------------|-------|-----|-----|-----|--|--|
| Federal region — | 10    | 15  | 20  | 25  |  |  |
| 1                | 280   | 340 | 280 | 410 |  |  |
| 2                | 270   | 330 | 370 | 390 |  |  |
| 3                | 280   | 350 | 390 | 420 |  |  |
| 4                | 300   | 370 | 410 | 440 |  |  |
| 5                | 290   | 360 | 400 | 430 |  |  |
| 6                | 330   | 410 | 460 | 490 |  |  |
| 7                | 290   | 360 | 400 | 430 |  |  |
| 8                | 280   | 350 | 390 | 410 |  |  |
| 9                | 300   | 370 | 420 | 445 |  |  |
| 10               | 320   | 400 | 460 | 490 |  |  |

(ii) Multiplying the system life factor by the current year's electricity rate for water heating in effect for the user of the system to be installed expressed in cents per kilowatt hour; and

(iii) Multiplying the product by the percent of the total hot water demand

the system will supply.

(c) An air source heat pump shall not be required to be evaluated by a verification audit if it is a system which is—

(1) Installed in a residential building;

(2) (i) A heat pump with only heating capability which replaces electric resistance space heating; or(ii) A heat pump with both heating

(ii) A heat pump with both heating and cooling capability which replaces electric resistance space heating and air conditioning; and

(3) Purchased, installed, and maintained at a total cost which shall not exceed the maximum allowable cost which shall be computed by—

(i) Selecting the correct climate zone factor for the Federal Region and heating zone in which the system will be installed using the following table—

Table of climatic factors

| Federal region -  | Heating zones |     |            |            |            |    |
|-------------------|---------------|-----|------------|------------|------------|----|
|                   | 0             | 1_  | 2          | 3          | 4          | 5  |
|                   | _             | _   |            | 3, 9       | 2.8        | -  |
|                   | 5.1           | 4.8 | 3.9        | 3.8        | 2.7        | -  |
|                   | 0.1           | 4.0 | 4.3<br>4.2 | 4.1        | 2,9        | 2. |
| ***************** | 5.6           | 5.4 | 4.8        | 4.7        | 3, 4       | ~  |
|                   | _             | _   | 4.3        | 4.2        | 3.0        |    |
|                   | _             | 4.9 | 4.4        | 4.0<br>4.3 | 2.8        | 2, |
| 0                 | _             | 4.υ | 4.7        | 4.6        | 3.1<br>3.3 | _  |

Note.—Dashes in table correspond to points where a heating zone and a Federal region do not coincide.

(ii) Multiplying this factor by the previous year's heating cost for the user of the system to be installed.

#### § 450.35 Climate zones.

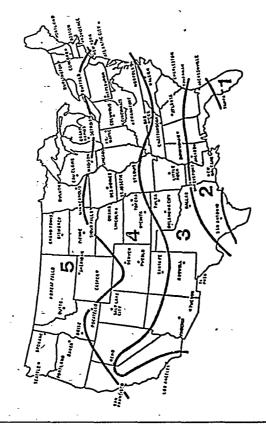
(a) FEA shall determine whether to restrict an energy measure to a climate zone.

(b) FEA shall designate climate zones, consisting of heating zones as shown in Appendix B or cooling zones as shown in Appendix C.

Appendix B

HEATING ZONES FOR ENERGY MEASURES

COOLING ZONES FOR ENERGY MEASURES Appendix C



Notes:

- Alaska is included in Cooling Zone 5. 4.5
- Hawaii, Puerto Rico and the Virgin Islands are included in Gooling Rone 1.

[FR D00,77-21084 Filed 7-22-77;8:45 am]

- Alaska is included in Heating Zone 5. Hawaii, Puerto Rico and the Virgin Islands are included in Heating Zone 0. 44

FEDERAL REGISTER, VOI. 42, NO. 142-MONDAY, JULY 25, 1977

Title 12—Banks and Banking

CHAPTER VII-NATIONAL CREDIT UNION **ADMINISTRATION** 

ART 720—DESCRIPTION OF OFFICE, DISCLOSURE OF OFFICIAL RECORDS, AVAILABILITY OF INFORMATION, PRO-PART **MULGATION OF REGULATIONS** 

Updating and Clarification of Regulations AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: Certain updates and clarifications are hereby added to the National Credit Union Administration's regulations on description of offices, disclosure of official records, availability of information, and promulgation of reg-ulations. An introductory paragraph is added to clarify that the Regulations set forth in this Part apply to the National Credit Union Administration only and do not apply to Federal credit unions. The Section on central and regional organization is amended to reflect certain restructuring and redefinitions of duties. And the Section on fees for document search is amended to specify that fees for document search may be waived if the request originates from a member of Congress or from any Federal, State. or local government entity.

DATES: These regulations are to be effective July 25, 1977.

ADDRESS: National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CON-TACT:

Robert M. Fenner. Office of the General Counsel, National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456, telephone 202-254-9810.

SUPPLEMENTARY INFORMATION: 5 U.S.C. 553 excludes "rules of agency organization, procedure, or practice from the general requirements of allowing comment periods for and delaying the effective dates of proposed rules. Since this rule deals with mere organizational technicalities, it falls within this exception and no comment period is necessary. The changes presented are already in effect and this publication is to serve simply as a notice of a final rule.

Accordingly, 12 CFR Part 720 is amended as set forth below:

The following introductory paragraph is hereby added as a paragraph (a) to § 720.1, and the existing paragraph is designated as (b).

#### § 720.1 Scope and application.

(a) Scope. Subparts A and B of Part 720 implement the Federal Freedom of Information and Privacy Acts, respectively. Those Acts regulate the information practices of Federal agencies only, and thus, Part 720 pertains to the activities of the National Credit Union Administration only and does not apply to Federal credit unions.

Section 720.2(b) is revised as follows: 1. Subparagraph (3) is revised and re-

designated as subparagraph (4).

2. Subparagraph (4) is redesignated as paragraph (5) and is revised by inserting after the words "divisions of Federal credit unions" the words "examiner training, and consumer inquiries." It is also revised by adding after the words "Directors of Chartering and Insurance, and Examination" the words "and Consumer Affairs" and by deleting the word "and" before the word "Examination."

3. Subparagraph (5) is redesignated as

paragraph (3).

4. Subparagraph (7) is redesignated as subparagraph (9).

5. A new subparagraph is added, designated as subparagraph (7)

6. A new subparagraph is added, and designated as subparagraph (8).

7. Paragraphs (b) (4), (b) (7) and (b) (8) now read as follows:

§ 720.2 Central and regional organization.

(b) \* \* \*

(4) Assistant Administrator, Office of Administration. The Assistant Administrator for Administration is the official custodian of records for the Administration and performs duties relating to management analysis, personnel man-agement, career development, training (exclusive of examiner and credit union related training), equal employment opportunity, direction of general services. internal security, coordination of publication services, and is responsible for appellate determinations on requests for information. He is aided by a Deputy Assistant Administrator, Planning Officer, and Directors of Management Analysis, Personnel, Office Services, and Training and Career Development.

(7) Assistant Administrator, Office of Fiscal Affairs. The Assistant Administrator for Fiscal Affairs performs duties relating to the financial management activities of the Administration in the areas of preparation and control of financial plans, fiscal accounting and budget, management of the Operating and Share Insurance Funds, investments, assets acquired from liquidating credit unions, and operations of loan management and share payout functions. He also coordinates certain disbursing activities with respect to liquidations with the Assistant Administrator for Examination and Insurance. The Assistant Administrator for Fiscal Affairs is assisted by a Deputy Assistant Administrator, Budget Officer, and Directors of Financial Management, Acquired Assets, and Information Systems.

(8) Assistant Administrator, Office of Research and Analysis. The Assistant Administrator for Research and Analysis conducts research and analytical studies in the field of cooperative thrift and credit and other matters of concern to the Administration. Provides advice to the Administrator and operating officials

concerning the use of qualitative and research techniques by the National Credit Union Administration for operations. programs, and policies. Serves as the repository for financial and statistical data for all federally insured credit unions, designs and conducts regular data collection programs and prepares various reports for use by the Administration, He is assisted by Directors of Research, and Statistical Analysis.

#### § 720.5 [Amended]

8. Section 720.5(e) is amended by (i) inserting after the word "if" and before the words "the responsible officer" the following: "the request originates from a Member of Congress or from any Federal, State, or local governmental entity, or if"; and (ii) inserting the word "otherwise" after the words "Information Center" and before the word "deter-Center" and before the word "determines."

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1104 (12 U.S.C. 1789).)

> LORENA C. MATTHEWS. Acting Administrator.

JULY 7, 1977.

[FR Doc.77-21283 Filed 7-22-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMIN-ISTRATION, DEPARTMENT OF TRANS-PORTATION

[Docket No. 77-GL-17, Amdt. 39-2977]

PART 39-AIRWORTHINESS DIRECTIVES Detroit Diesel Allison Model 250B and 250C Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires that the power turbine outer coupling nut Part Number (P/N) 6846278 installed in Detroit Diesel Allison 250-B15/17 and 250-C18/20 series engines be inspected, and replaced as necessary. Certain identifiable coupling nuts are subject to severe corrosion which could result in failure of the nut. This AD will identify those coupling nuts subject to corrosion thereby significantly reducing the probability of failure. Two failures of this type have resulted in disengagement of the power turbine resulting in N2 overspeed and turbine disc failure.

DATE: Effective date-July 27, 1977. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: Copies of Detroit Diesel Allison Commercial Service Letters referenced herein may be obtained by contacting: Detroit Diesel Allison, Division of General Motors Corporation, P.O. Box 894, Indianapolis, Indiana 46206.

Copies of the service information incor porated in this AD are contained in the Rules Docket, Office of the Regional Counsel, 2300 East Devon Avenue. Des Plaines, Illinois 60018 and Room 916, 800

D.C. 20591.

FOR FURTHER INFORMATION CON-TACT:

W. Ashworth, Engineering and Manufacturing Branch, Flight Standards Division, AGL-214, Federal Aviation Administration, 2300 E. Devon Avenue, Des Plaines 60018, telephone: 312-694-4500, extension 308.

SUPPLEMENTARY INFORMATION: There recently have been two instances of power turbine outer coupling nut failures due to corrosion. Both failures resulted in catastrophic engine failure due to resultant disengagement of the power turbine.

Investigations revealed that in each instance, the most probable cause of these failures was excessive corrosion resulting from operation in extremely humid areas which have abnormal amounts of sulphur in the atmosphere. New P/N 6846278 coupling nuts are corrosion proofed with a coating that allows them to be identified visually.

Since this condition is likely to exist or develop in other engines of this type design with certain identifiable power turbine outer coupling nuts installed, an airworthiness directive is being issued to inspect and replace these nuts as neces-

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In accordance with Departmental Regulatory Reform, dated March 23. 1976, an evaluation of the anticipated impacts has been made and it is expected that within a normal range of pertinent considerations this final rule will be neither costly nor controversial.

#### DRAFTING INFORMATION

The principal authors of this document are W. Ashworth, Flight Standards Division, Great Lakes Region. and J. Mc-Laughlin. Office of the Regional Counsel, Great Lakes Region.

#### ADOPTION OF THE AMENDMENT

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following Airworthiness Directive:

DETROIT DIESEL ALLISON. Applies to 250-B15/17 and 250-C18/20 series engines equipped with power turbine outer coupling nuts P/N 6846278 as installed in aircraft certificated in all categories.

Compliance schedule-Compliance cuired as follows unless previously accomplished

(a) For engines with turbine sections having more than 400 hours or one calendar year time in service since installation in an aircraft, initial compliance must be accomplished within the next 100 hours time in

(b) For engines with turbine sections having less than 400 hours and less than one calendar year time in service since installation in an aircraft, initial compliance must

Independence Avenue SW., Washington, . be accomplished within 500 hours or one year time in service since installation in an aircraft, whichever occurs first.

(c) For each turbine section incorporating an uncoated coupling nut which exhibits no evidence of corrosion, repetitive compliance is required at intervals not to exceed 500 hours or one calendar year time since last inspection, whichever occurs first.

To preclude possible engine failure resulting from power turbine outer coupling nut failure: Inspect the power turbine outer coupling nut P/N 6846278 in accordance with Detroit Diesel Allison Commercial Service Letter Number 88 for the Ol8 series, 1060 for the C20 series, 25 for the B15 series, and 1030 for the B17 series engines. All Service Letters are revision 3 or later FAA Approved revisions. If any evidence of corrosion is found the nut shall be replaced with a corrosion proofed nut, identified in the above referenced Allison Service Letters, before further flight, except that the aircraft may be flown in accordance with FAR 21.197 to a base where the repair can be performed. All P/N 6846278 coupling nuts not incorporating the corresion proofing shall be removed from service at next turbine disassembly regardless of condition.

The Detroit Diesel Allison specifications and procedures identified in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a) (1). The Detroit Diesel Allison Service Letters incorporated herein may be obtained upon request to Detroit Diesel Allison, Division of General Motors Corp., P.O. Box 894, Indianapolis, Indiana 46206. These documents may also be examined at the FAA Great Lakes Region, 2300 East Devon Avenue, Des Pigines, Illinois 2300 Elst Before Avenue, Des France, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20591. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and the Great Lakes Region.

This amendment becomes effective July 27, 1977.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

Note.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular

Issued in Des Plaines, Ill., on July 13, 1977.

LEON C. DAUGHERTY, Acting Director, Great Lakes Region.

The incorporation by reference in NOTE .the preceding document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.77-21039 Filed 7-22-77;8:45 am]

[Docket No. 15549; Amdt. 39-2983]

PART 39-AIRWORTHINESS DIRECTIVES Hawker Siddeley Aviation, Ltd., Model DH-114 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires a modification and reidentification of the main landing gear damper ram on Hawker Siddeley Model DH-114 airplanes to prevent the possible seizure of the damper ram and subsequent damage to the airplane during landing.

DATES: Effective August 24, 1977. Compliance required within the next 300 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable technical news sheet may be obtained from Hawker Siddeley Aviation, Ltd., Hatfield Hertfordshire, England, AL109TL, Attn: Technical Manuals Distribution Center.

The applicable service bulletin may be obtained from Dunlop Limited Aviation Division, Holbrook Lane, Foleshill, Coventry, Warwickshire CV6-4AA, England.

A copy of both the technical news sheet and service bulletin is contained in the Rules Docket, Rm. 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CON-TACT:

Donald C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Tel. 513.38, 30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which requires a modification and reidentification of the main landing gear damper ram on Hawker Siddelev Model DH-114 airplanes was published in the FEDERAL REGISTER at 41 FR 14898, April 8, 1976. The proposal was prompted by a report of damage occurring in the damper ram that could cause possible seizure of the damper ram and subsequent extensive damage to the aircraft during landing.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Although no objections were received, the FAA has reevaluated the need for the proposed amendment and determined that it should be adopted. Accordingly, the proposal is adopted without change.

The principal authors of this document are F. J. Karnowski, Europe, Africa, and Middle East Region, J. F. Zahringer, Flight Standards Service, and S. Hauselt. Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

HAWKER SIDDELEY AVIATION, LTD. Applies to Model DH-114 airplanes certificated in all categories.

Compliance is required within the next 300 hours time in service after the effective date of this AD, unless already accomTo prevent the possible seizure of the main landing gear damper ram, and consequent damage to the aircraft upon landing,

accomplish the following:
(a) Modify the damper ram, P/N AC11164, in accordance with Part A of the section entitled "Accomplishment Instructions" of Dunlop Aviation Division Service Bulletin 32-824, dated April 5, 1973, or an FAAapproved equivalent.

(b) Upon completion of the modification specified in paragraph (a) of this AD, re-identify the modified damper ram as P/N AC65528, Mod. 1. (Hawker Siddeley Aviation, Ltd., Series: Heron (114), TNS. U. 15, Issue 2, dated April 30, 1973, refers to this same subject.)

This amendment becomes effective August 24, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

Note.—The Federal Aviation Administra-tion has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on July 15. 1977.

> R. P. SKULLY, Director, Flight Standards Service.

[FR Doc.77-21255 Filed 7-22-77:8:45 am]

[Docket No. 77-WE-18-AD; Amdt. 39-2978] PART 39-AIRWORTHINESS DIRECTIVES **Hughes Helicopters Model 369D Helicopter** 

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: An emergency airworthiness directive (AD) was issued by the Federal Aviation Administration on June 22, 1977, as a result of reports of failed laminations in the main rotor retention straps at exceptionally low service times. This AD requires an initial inspection and repetitive visual inspections for cracks or breaks in the strap laminates to prevent possible loss of a main rotor blade.

DATES: Effective-July 28, 1977 for all persons except those to whom it was made effective by air mail letter dated June 23, 1977. Initial compliance—Within the next 10 hours time in service after the effective date of this AD.

FOR FURTHER INFORMATION CON-TACT:

Wallace M. Frei, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. Telephone 213-536-6351.

SUPPLEMENTARY INFORMATION: There have been occurrences of Model 369D helicopters with one or more laminates broken in the main rotor strap pack. These defects have been found in straps having only 9 to 190 hours time in service. The first required inspection of the strap pack by type design is at 600 hours time in service. laminates in either the lead leg or the lag leg of any one of the five strap packs are allowed to break before the main' rotor hub must be replaced. Since the causes of the broken straps are unknown at this time and it appears that enough laminates could break prior to the 600 hour inspection to create an unsafe condition the FAA concluded that mandatory safety action was necessary. This AD which requires visual inspection of the strap pack within 10 hours time in service and at intervals not to exceed 25 hours time in service thereafter is considered to provide the necessary safety action. These inspections are in addition to and do not supersede the 600 hour inspection for the strap pack per Hughes Handbook of Maintenance Instruction and this clarification has been added to the AD in the form of a note.

Subsequent to the issuance of the emergency AD, the manufacturer sub-mitted several proposed substantive changes to the proposed Federal Reg-ISTER publication of the AD. Briefly stated, these changes included recommendations for extended compliance times within which to accomplish the required inspections, authorization for pilot crewmembers to perform the inspections in addition to certificated mechanics or other authorized persons. and authorization for issuance of special flight permits for hub replacements, although the presence of three or more cracked laminates was already known.

The FAA disagrees. Service data is insufficent at this time to permit extension of the compliance times in the AD. Also, the FAA believes that the inspection should be performed by certificated mechanics or other FAA authorized persons to ensure that level of airworthiness of the aircraft intended by the AD. Finally, data is insufficient to authorize issuance of special flight permits under FAR's 21.197 and 21.199 when three or more laminates are known to be cracked. The AD, as published herein, therefore adheres to the orginal substantive provisions of the emergency AD as to these matters.

This AD includes editorial changes, minor changes for clarification, and the addition of a reporting request to the text of the emergency air mail letter dated June 23, 1977.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. owners and operators of model 369D helicopters upon receipt of individual airmail letters dated June 23, 1977. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regula-

tions (14 CFR 39.13) to make it effective as to all persons.

#### DRAFTING INFORMATION

The principal authors of this document are James R. Haynes, Aircraft Engineering Division, and Richard G. Wittry, Office of the Regional Counsel.

#### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

Hughes Helicopters. Applies to Hughes Model 369D helicopters, certificated in all categories.

Compliance required as indicated.

To prevent failure of the main rotor retention straps which can result in loss of a main rotor blade accomplish the following:

- (a) Within 10 hours time in service after the effective date of this AD, and at intervals not to exceed 25 hours time in service thereafter, visually inspect with a light and mirror for cracks or breaks in the main rotor retention strap pack lamination, P/N 369D-21210, in the area of, and within the pitch housing where the straps are accessible to
- (b) If 3 or more laminates in either the lead leg or the lag leg of any one of the five strap packs are cracked or broken, replace the main rotor hub P/N 369D21200 with a sorviceable hub prior to further flight and continue the inspection in (a) above at inter-

vals not to exceed 25 hours time in service.

(c) Special flight permits may be issued in accordance with FAR's 21.197 and 21.199 to operate aircraft to a base for the accomplish-

operate aircraft to a base for the accomplishment of the inspection required by paragraph (a) of this AD.

(d) If cracked or broken laminates are found as a result of the inspections performed in compliance with this AD, it is requested that the aircraft serial number, each table sould number the in service and rotor hub serial number, time in service and description of failures be reported to Chief, Aircraft Engineering Division, FAA Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009 (Reporting approved by the Office of Management and Budget under OMB No. 04-R-0174).

These inspections are in addition to and do not supersede the 600 hour inspec-tion for the retention straps prescribed by the type certificate data sheet and Hughes Handbook of Maintenance Instruction.

This amendment becomes effective July 28, 1977, for all persons except those to whom it was made effective by airmail letter dated June 23, 1977 which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

Note.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949 and OMB Circular A-107.

Issued in Los Angeles, Calif. on July 13. 1977.

ROBERT H. STANTON. Director, FAA Western Region. IFR Doc.77-21027 Filed 7-22-77:8:45 am1

[Docket No. 77-WE-11-AD; Amdt. 39-2979] PART 39—AIRWORTHINESS DIRECTIVES McDonnell Dougla's Model DC-8-62, -62F. -63 and -63F Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspections and repair of the wing structural companents on all Mc-Donnell Douglas Model DC-8-62, -62F, -63, and -63F airplanes to preclude the possibility of hazardous fatigue cracking of the wing structure.

DATES: Effective date-July 28, 1977. Compliance schedule-As prescribed in the body of the AD.

ADDRESSES: Copies of Douglas DC-8 Service Bulletins 54-58 and 57-83 may be obtained by writing to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846. Attention: L. A. Eisenberg, CI-750, 54-60.

Copies of the service bulletins are contained in the Rules Docket in Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CON-TACT:

Wallace M. Frei, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. Telephone 213-536-6351.

SUPPLEMENTARY INFORMATION: On May 4, 1977, the FAA proposed to amend Part 39 of the Federal Aviation Regulation (14 CFR Part 39) by adding a new AD applicable to McDonnell Douglas Model DC -8-62, 62F, -63, and 63F airplanes (42 FR 24751). The AD requires inspection for cracks of the wing lower skin, tee doubler, and lower front spar cap at the pylon attach points and repair if necessary. McDonnell Douglas DC-8 Service Bulletins 54-58 and 57-83 pertain to this same subject.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all comments received in response to the notice of proposed rulemaking. Except for editorial changes, and except as specifically discussed, this amendment and the reasons for it are the same as those con-

tained in the notice.

One commenter suggested changes to three different areas of the AD. In the first area, he states that the AD as written requires jacking of the wing for inspection. Since he has completed inspections of his fleet without using the jacking procedure, the AD as proposed would require that he redo all the inspections. He further states that the manufacturer advised that jacking was optional. The FAA agrees that the jacking procedure should be optional. The manufacturer has revised Service Sketch 2575 to so indicate.

In another comment, he suggested that the proposed Paragraph (f) was confusing, in that it called for repair of the tee doubler in accordance with DC-8 Service Bulletin 54-58, whereas Service Bulletin 54-58 only contains tee doubler crack limitations. The FAA agrees and Paragraph (f) has been revised to clarify that tee doublers must be replaced if cracked beyond the limits of Service Bulletin 54-58.

In his final comment, he suggested that the proposed Paragraph (h) is confusing, in that it apparently intended to allow ferry flight for repair, but actually speaks only to inspections. The FAA disagrees. It was not the FAA's intention to permit ferry with known cracked skin and/or spars. The FAA does not have data showing that such ferry flights could be accomplished without fear of structural failure if skin or spar cracking exists. However, a situation could occur, such as with a small operator operating under contract in areas outside the United States, where inspection facilities would not be available before the AD compliance time was exceeded. A ferry permit could allow that operator to fly to a base where such facilities could be found.

A second commenter stated that it was his understanding that the manufacturer had performed fatigue testing which showed that a tee doubler cracked within the limits of DC-8 Service Bulletin 54-58 would not have any detrimental effect on fatigue life of the wing skin. In light of these findings, the commenter felt that the FAA should review the test results and evaluate the experience of the operators in determining initial inspection thresholds and

repetitive inspection intervals.

In establishing the inspection times of Service Bulletin 57-83, the manufacturer and the FAA did take into consideration the test data and service experience which was available. It was felt that the established hours were the maximum permissible commensurate with continued airworthiness of the airplane. The FAA does not know of any later data which would change those conclusions. The FAA agrees that tee doublers cracked within the limits of Service Bulletin 54–58 have been shown by test to be safe for continued flight and Paragraph (f) was intended to allow this. Because of possible confusion, Paragraph (f) has been revised as discussed above to clarify the meaning.

#### DRAFTING INFORMATION

The principal authors of this document are Everett W. Pittman, Aircraft Engineering Division, and Richard G. Wittry, Office of the Regional Counsel.

#### ADOPTION OF THE AMENDMENT

In consideration of the comments received and pursuant to the authority delegated to me by the Administrator, (14 CFR 11.89) § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

McDonnett Douglas. Applies to Model DC-8-62, -62F, -63, and -63F airplanes, certificated in all categories.

Compliance required as indicated.

To detect cracks and prevent failure of the wing lower forward spar cap, tee doubler, and wing skin, comply with the following:

(a) For airplanes with 35,000 or more hours

time in service on the effective date of this AD, within the next 800 hours time in service, unless already accomplished within the last 2400 hours, and thereafter at intervals not to exceed 3200 hours time in service, ac-

complish Paragraph (e).
(b) For airplanes with 30,000 to 34,999 hours time in service on the effective date of this AD, within the next 1200 hours time in service, unless already accomplished within the last 2000 hours, and thereafter at intervals not to exceed 3200 hours time in

tervice, accomplish Paragraph (e).

(c) For airplanes with 25,000 to 29,999 hours time in service on the effective date of this AD, within the next 1600 hours time in service, unless already accomplished within the last 1600 hours, and thereafter at intervals not to exceed 3200 hours time in

service, accomplish Paragraph (e).
(d) For airplanes with less than 25,000 hours time in service on the effective date of this AD, within the next 3200 hours time in service, unless already accomplished per McDonnell Douglas DC-8 Service Bulletin 57-83, and thereafter at intervals not to exceed 3200 hours time service, accomplish Paragraph (e).

(e) Perform an X-ray inspection of lower wing structure at all four pylon areas for cracks as outlined in Service Sketch 2575 of McDonnell Douglas DC-8 Service Bulletin 57-83, dated April 15, 1977, or later FAA

approved revision.

(f) If cracks are found in the wing spar cap and/or wing skin as a result of inspections of Paragraph (e), repair before further flight in accordance with the provisions of McDonnell Douglas DC-8 Service Bulletin 57-83, dated April 15, 1977 or later PAA approved revision. Cracked pylon tee doublers shall be replaced before further flight if the cracks exceed the limits in Mc-Donnell Douglas DC-8 Service Bulletin 54-58, dated May 15, 1970, or later PAA approved revision.

(g) Equivalent inspections and repairs

may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(h) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections required by this AD.

This amendment becomes effective July 28, 1977.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.29.)

-The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular

Issued in Los Angeles, Calif., on July 14. 1977.

ROBERT H. STANTON. Director, FAA Western Region. IFR Doc.77-21026 Filed 7-22-77:8:45 am l

[Airworthiness Docket No. 77-SW-15; Amdt. 39-2962]

#### PART 39—AIRWORTHINESS DIRECTIVES Mooney Aircraft Corp. Models M20E, F, and J Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment is being issued to amend Airworthiness Directive (AD) 77-08-06 to revise the list of affected oil coolers and airplanes and to require removal of suspect oil coolers before further flight.

DATES: Effective date July 25, 1977, and was effective upon receipt for all recipients of the airmail letter dated July 8, 1977. Compliance required prior to further flight after the effective date of this AD except that the airplane may be flown in accordance with FAR 21.197 to a base where the removal can be performed.

## FOR FURTHER INFORMATION CONTACT:

James O. Price, Office of the Regional Counsel, or Martin J. Saunders, Propulsion Section (ASW-214), Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: 817-624-4911, extension 524.

SUPPLEMENTARY INFORMATION: The FAA has received reports of failure in service of the Stewart-Warner Model 8423H oil coolers identified in Amendment 39–2877, 42°FR 21102 (AD 77–08–06), as amended by Amendment 39–2903, 42 FR 25723. Therefore, the compliance section of this AD is being revised.

The principal authors of this document are Martin J. Saunders, Flight Standards Division, and James O. Price, Office of

the Regional Counsel.

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) Amendment 39-2877, 42 FR 21102, Airworthiness Directive 77-08-06 as amended by Amendment 39-2903 42 FR 25723 is amended as follows:

1. By amending the list of applicable airplanes to read as follows:

Mooney. Applies to Models M20E (Serial Numbers 101 through 466, 470 through 1217, 1219, 1221, 1223 through 1308, 672001 through 670662, 690001 through 690073, 700001 through 700039, 700041 through 700043, 700045 through 700052, 700055, 700056, 700060, 700061, 21-0001 through 670363, 670365 through 670387 through 670387 through 670482, 670484 through 670539, 680001 through 680206, 690001 through 690909, 690092, 700001 through 69090, 690092, 700001 through 700061, 700063, 700066, through 700070, 700072, 22-0001 through 22-14377; M20J (Serial Numbers 24-0001 through 24-0237) airplanes.

2. By amending paragraph (a) of the compliance section to read as follows:

(a) Before the next flight of the affected airplanes, remove the engine cowl and visually check the engine oil cooler to determine whether it is a Stewart-Warner Model 8432H (S/N 001 and Up) 8432F (S/N 1610 through 1717).

(1) If the oil cooler is not of the model and

(1) If the oil cooler is not of the model and serial numbers listed above, make an entry in the aircraft maintenance records indicating that this Airworthiness Directive (AD) has been accomplished and the airplane may be returned to service.

Note.—If your airplane was manufactured prior to March 1, 1975, and your oil cooler has not been replaced since that date, then your airplane does not have a suspect oil cooler.

(2) If the oil cooler is of a model and serial number listed above, before further flight after the effective date of this AD, the oil cooler must be removed and replaced with a serviceable Stewart-Warner Model 8432F-1 oil cooler, except that the airplane may be flown in accordance with FAR 21.197 to a base where the removal and replacement can be performed.

A pilot may perform the visual checks outlined in item (a) (1) above pursuant to the provisions of FAR 43.3(h).

NOTE.—For the requirements regarding

Note.—For the requirements regarding the listing of compliance and method of compliance with paragraphs (a) (1) and (a) (2) of this AD in the aircraft permanent maintenance record, see FAR 91.173.

#### 3. By deleting paragraph (b).

Note.—Mooney Service Bulletin M20-203, dated July 7, 1977, pertains to this same subject.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Amendment 39–2877 became effective on April 21, 1977, and was effective upon receipt for all recipients of the airmail letter dated April 15, 1977.

Amendment 39–2903 became effective May 19, 1977, and was effective upon receipt for all recipients of the airmail letter dated May 16, 1977.

This Amendment 39-2962 becomes effective July 25, 1977, and was effective upon receipt for all recipients of the airmail letter dated July 8, 1977.

Issued in Fort Worth, Texas, on July 8, 1977.

HENRY L. NEWMAN, Director, Southwest Region.

[FR Doc.77-21040 Filed 7-22-77;8:45 am]

[Airspace Docket No. 77-WE-10] .

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

#### Alteration of a VOR Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will lower the floor of VOR Airway (V-257) between Grand Canyon, Ariz., and Bryco Canyon, Utah. This action will allow air traffic control to provide increased service to aircraft transiting into and out of Bryce Canyon Airport on V-257.

EFFECTIVE DATE: October 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. David F. Solomon, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone 202-426-8530.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to lower the floor of VOR Airway (V-257) between Grand Canyon, Ariz., and Bryce Canyon, Utah. Subpart C of Part 71 of the Federal Aviation Regulations was republished in the Federal Regulation on January 3, 1977 (42 FR 307).

on January 3, 1977 (42 FR 307).

A recent flight inspection of a segment of V-257 revealed that lower flight altitudes could be used from Bryco Canyon, Utah, to the INT of the Bryco Canyon 161°M and the Page, Ariz., 261°M radials. The establishment of a noncompulsory reporting point is proposed for this INT to assist in reporting the safe position for an altitude change. For IFR flights to take advantage of the lower altitudes, the floor of the airway along this segment of V-257 is lowered.

Under the circumstances presented, the FAA concludes that this action is of benefit to the flying public and a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary.

#### DRAFTING INFORMATION

The principal authors of this document are Mr. David F. Solomon, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307) is amended, effective 0901 GMT, October 6, 1977, as follows:

In § 71.123: V-257 "Grand Canyon; 38 miles 12 AGL, 40 miles 125 MSL, 26 miles 12 AGL, Bryce Canyon, Utah;" is deleted and "Grand Canyon; 38 miles 12 AGL, 24 miles 125 MSL, 16 miles 95 MSL, 26 miles 12 AGL, Bryce Canyon, Utah;" is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

 Note.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Im11821, as amended by Executive 11949, and OMB Circular A-107. Order

Issued in Washington, D.C., on July 19, 1977.

> WILLIAM E. BROADWATER, Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-21256 Filed 7-22-77;8:45 am]

Title 17—Commodity and Securities Exchanges

#### CHAPTER II-SECURITIES AND **EXCHANGE COMMISSION**

[Release Nos. 33-5843; 34-13758; 35-20112; 39-476; IC-9857; IA-596]

#### PART 203-RULES RELATING TO INVESTIGATIONS

Delegation of Authority To Furnish Copies of Formal Orders

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: In the interests of increased administrative efficiency, the Commission has delegated to Regional Administrators, Division Directors, Associate Directors and Assistant Directors authority to decide whether to furnish to witnesses copies of formal orders of investigation. Formerly this authority was limited to Division Directors. The amendment will relieve the Division Directors of a needless expenditure of time, and yet insure that the decision to grant these requests will be exercised by experienced senior personnel of the Commission.

#### FOR FURTHER INFORMATION CON-TACT:

Thomas D. Hamill, Chief Counsel, Division of Enforcement, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. Washington, D.C. 20549 (202-376-8131).

SUPPLEMENTARY INFORMATION: Under Rule 7 of the Commission's Rules Relating to Investigations, a witness shall, upon request, be shown a copy of the order of investigation. Prior to this amendment, the Rule further provided that witnesses shall not be provided with copies for their retention except with the express approval of the Director of the Division or Divisions conducting the investigation. As amended, the Rule authorizes Regional Administrators, and Associate and Assistant Direc-

pact Statement under Executive Order . tors of concerned Divisions, as well as

Directors, to make this decision.

In view of the fact that this amendment relates solely to agency organization, procedure or practice, the Commission finds that notices and procedures under 5 U.S.C. 533 are unnecessary. Accordingly, 17 CFR Part 203 is amended by revising paragraph (a) of § 203.7 to read as follows:

#### § 203.7 Rights of witnesses.

(a) Any person who is compelled or requested to furnish documentary evidence or testimony at a formal investigative proceeding shall upon request be shown the Commission's order of investigation. Copies of formal orders of investigations shall not be furnished, for their retention, to such persons requesting the same except with the express approval of a Regional Administrator, or a Director, Associate Director or Assistant Director of the Division or Divisions conducting or supervising the investigation. Such approval shall not be given unless the person granting such approval, in his discretion, is satisfied that there exist reasons consistent both with the protection of privacy of persons involved in the investigation and with the unimpeded conduct of the investigation.

(15 U.S.C. 77s, 78w, 79t, 77ess, 80a-37, 80b-11).

By the Commission.

GEORGE A. FITZSIMMONS. Secretary.

JULY 15, 1977.

[FR Doc.77-21311 Filed 7-22-77;8:45 am]

Title 24—Housing and Urban Development CHAPTER X-FEDERAL INSURANCE AD-MINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SUBCHAPTER B-NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 3203]

#### PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to list those communities where the sale of flood insurance is authorized under the National Flood Insurance Program. Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state.

DATES: The date that appears in the fourth column of the table is the effective date of authorization for the sale of flood insurance.

FOR FURTHER INFORMATION CON-TACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance. 202-755-5581 or Toll Free Line, 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93-234) requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housand Urban Development. requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by section 202(b) of the Act, as amended, unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The addresses of the National Flood Insurers Association Servicing companies where flood insurance policies can be obtained, are published at § 1912.7, (24 CFR Part 1912).

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronolgy of effective dates appears for each listed community. The entry reads as follows:

§ 1914.6 List of eligible communities.

| State          | County           | Location             | , | Effective date of authorization of sale of flood insurance for area                               | Hazard area<br>identified         | Community<br>No.             |
|----------------|------------------|----------------------|---|---|-----------------------------------|------------------------------|
|                | • 1              | • •                  | • | •   |                                   | •                            |
| Alabama        | MobileLauderdale | Citronelle, city of  |   | July 23, 1975, emergency; June 17, 1977, regular.<br>May 24, 1973, emergency; May 16, 1977, regu- | . Jan. 31, 1975<br>May 17, 1974   | 010277A<br>010140A           |
|                |                  | -                    |   | lar; May 16, 1977, suspended; June 10, 1977,  | Mar. 26, 1976                     |                              |
| •              |                  |                      |   | Mar. 27, 1975, emergency; June 17, 1977, Regular.   | Feb. 20 1076                      | 210149-B                     |
| South Carolina | Laurens          | Clinton, town of     |   | Apr. 4, 1974, emergency; June 17, 1977, Regular.  | June 7, 1974<br>June 18, 1976     | 450123B                      |
| Illinois       | Clinton          | Unincorporated areas |   | June 10, 1977, emergency  | Dec. 20, 1974                     | 170044A                      |
| Maine          | Piscataquis      | Medford, town of     |   | June 22, 1977, emergencydo  | Apr. 15, 1977<br>Feb. 14, 1975    | 230110                       |
|                |                  |                      |   |   | Mar. 11, 1977                     | 230200-A                     |
| New Jersey     | Sussex           | Green, township of   |   | do  | Nov. 1, 1974<br>May 14, 1976      | . 310529-A                   |
| Maine          | Penobscot        | Hudson, town of      |   | June 24, 1977, emergencydo  | Jan. 14, 1977                     | 230392A                      |
| MOM YOUK       | . Cayuga         | Conquest, town of    |   | OD  | . Aug. 16, 1974<br>Sept. 12, 1975 | 360108A                      |
| Oklahoma       | Pittsburg        | Alderson, town of    |   | June 23, 1977, emergency  | Apr 0 1076                        | 400257                       |
| Washington     | Wahkiakum        | Cathlamet, town of   |   | June 24, 1977, emergency  | Apr. 2,1976                       | 40028 <del>9</del><br>530277 |

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969) as amended, 39 FR 2787, Jan. 24, 1974.)

Issued: June 29, 1977.

PATRICIA ROBERTS HARRIS, Secretary.

[FR Doc.77-21131 Filed 7-22-77;8:45 am]

#### Title 26-Internal Revenue

CHAPTER I—INTERNAL REVENUE SERV-ICE, DEPARTMENT OF THE TREASURY SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7491]

PART 54-PENSION, ETC., EXCISE TAXES

Exemptions for the Provision of Services or Office Space to Employee Benefit Plans, the Investment of Plan Assets in Bank Deposits, the Provision of Bank Ancillary Services to Plans, and the Transitional Rule for the Provision of Services to Plans

#### Correction

In FR Doc. 77-17894 appearing at page 32383 in the issue for Friday, June 24, 1977, in § 54.4975-6(a) (6) Example (2), appearing in the middle column of page 32386, the 9th line should be deleted, and in its place the following should be inserted: "\* \* \* is not a disqualified person with respect to \* \* \*",

#### Title 29-Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DE-PARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STAND-ARDS

Iowa—Change in Level of Federal Enforcement and Notice of Intended Modification of Operational Agreement

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Change in Level of Federal Enforcement.

SUMMARY: This document provides notice that Federal concurrent enforcement authority with respect to occupational health issues under section 18(e) of the Occupational Safety and Health Act of 1970 (hereinafter called the Act)

(29 U.S.C. 667(e)) will be exercised in the State of Iowa effective July 25, 1977. EFFECTIVE: July 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Mabel Stanton, Project Officer, Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-3608, Washington, D.C. 20210, 202-523-8041.

#### SUPPLEMENTARY INFORMATION:

#### BACKGROUND

Part 1954 of Title 29, Code of Federal Regulations, sets out procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for the evaluation and monitoring of State plans which have been approved under section 18(c) of the Act and 29 CFR Part 1902. Section 1954.3 of this chapter provides guidelines and procedures for the exercise of discretionary Federal en-forcement authority under section 18(e) of the Act with regard to Federal standards in issues covered under an approved State plan. In accordance with § 1954.3 (b) of this chapter. Federal enforcement authority will not be exercised as to occupational safety and health issues covered under a State plan where a State is operational. A State is determined to be operational under § 1954.3(b) of this chapter when it has provided for the following requirements: enacted enabling legislation, approved State standards, a sufficient number of qualified enforcement personnel, and provisions for the review of enforcement actions. In determining whether and to what extent a State plan meets the operational guidelines, the results of evaluations conducted under 29 CFR Part 1954-are taken into consideration. Once this determination has been made, under § 1954.3(f) of this chapter, a notice of the determination of the operational status of a State plan as described in an agreement setting forth Federal-State responsibility is to be published in the FEDERAL REGISTER.

On July 20, 1973, notice of approval of the Iowa 18(b) plan was published (38 FR 19368) and on October 31, 1975, notice was published in the FEDERAL REGISTER (40 FR 50717) that it had been determined that Iowa had met the conditions for operational status and of the signing of an agreement effective June 18, 1975, between Jerry Addy, Commissioner of the Iowa Bureau of Labor and J. A. Reidinger, Assistant Regional Director for Occupational Safety and Health, U.S. Department of Labor. The operational agreement sets forth the scope of the exercise of concurrent Federal authority, specific areas of State responsibility and delineates continuing Federal responsibilities in the State. Under the terms and conditions of this agreement the State is obligated, among other things, to retain a sufficient number of qualified safety and health personnel employed under an approved merit system. Condition 3 of the Agreement specifies retention of a minimum of three (3) industrial hygienists (in addition to various safety inspectors and safety engineers) to satisfy this obligation. As a result of evaluation reports received under the monitoring system (29 CFR 1954.3(c)(1)) it was determined by the Assistant Secretary that problems primarily in the recruiting and training of qualified industrial hygienists resulted in the Iowa State program no longer meeting the criteria for operational status in the occupational health area. In view of this determination, under 29 CFR 1954.3 (c) (3) provision is made for reinstatement of the appropriate level of concurrent Federal enforcement activity to

assure occupational safety and health protection to employees. By telegram dated July 20, 1977, the Assistant Secretary confirmed notification by the Regional Administrator on July 18, 1977, advising the State that effective July 25, 1977, Federal concurrent enforcement authority will be exercised in the State with respect to occupational health issues as long as necessary to assure occupational health protection to employees. This resumption of Federal concurrent enforcement is intended to supplement the State's enforcement activities to assure maximum worker health protection, to allow the State reasonable time to concentrate efforts for the recruitment and training of its industrial hygiene staff and, finally, provide Federal occupational health consultation assistance to State industrial hygiene personnel.

The operational agreement will be formally modified to reflect the exercise of Federal concurrent enforcement authority with respect to occupational health issues.

LOCATION OF THE PLAN-AND THE OPERA-TIONAL STATUS AGREEMENT FOR INSPEC-TION AND COPYING

A copy of the operational status agreement, along with the approved plan, may be inspected and copied during the normal business hours at the following locations: Office of the Directorate, Room N-3605, 200 Constitution Ave. NW., Washington, D.C. 20210; OSHA Technical Data Center (TDC), Room N-3620 200 Constitution Avenue NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, 911 Walnut Street, Room 3000, Kansas City, Missouri 64106; Iowa Bureau of Labor, State House, East 7th and Court Avenue, Des Moines, Iowa 50319.

Signed at Washington, D.C. this 21st day of July, 1977.

EULA BINGHAM,
Assistant
Secretary of Labor.

[FR Doc.77-21450 Filed 7-22-77;8:45 am]

Title 33—Navigation and Navigable Waters
CHAPTER 1—COAST GUARD,
DEPARTMENT OF TRANSPORTATION
[CGD 76-105]

PART 110—ANCHORAGE REGULATIONS Special Anchorage Areas, Trinidad Bay, California

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: This amendment establishes a special anchorage area in Trinidad Bay, California. The establishment of a special anchorage area in Trinidad Bay is needed because the number of vessels regularly using and mooring in the harbor has substantially increased in the past few years. In special anchorage

areas, vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

EFFECTIVE DATE: This amendment is effective August 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-1477).

SUPPLEMENTARY INFORMATION: On December 23, 1976 the Coast Guard published a proposed rule (41 FR 55897), concerning this amendment. Interested persons were given until February 4, 1977 to submit comments. No comments were received.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are: LCDR H. E. Snow, Project Manager, Office of Marine Environment and systems, and Mr. S. D. Jackson, Project Attorney, Office of the Chief Counsel.

In consideration of the foregoing, Part 110 of Title 33, Code of Federal Regulations is amended by adding § 110.127c to read as follows:

#### § 110.127c Trinidad Bay, California.

The waters of Trinidad Bay beginning at the southern most point of Trinidad Head at latitude 41°03′04″ N., longitude 124°08′56″ W.; thence east to Prisoner Rock at latitude 41°03′09″ N., longitude 124°08′37″ W.; thence east to latitude 41°03′09″ N.; longitude 124°03′19″ W.; thence north to latitude 41°03′26″ N., longitude 124°08′21″ W.; thence following the shoreline to Trinidad Bay in a westerly and southerly direction to the point of beginning.

Note.—The area will be principally for use by sport and commercial fishing vessels. Temporary floats and buoys for anchoring will be allowed in the area. Fixed moorings, piles or stakes are prohibited. All moorings shall be placed so that no vessel when anchored or moored shall at any time extend beyond the limits of the area. The anchoring of all vessels and placing of all moorings will be under the supervision of the City of Trinidad or such other authority as may be designated by the City Council of the City of Trinidad, California.

(Sec. 1, 30 Stat. 98, as amended (33 U.S.C. 180); sec. 6(g) (1) (B), 80 Stat. 937; (49 U.S.C. 1655(g) (1) (B)), 49 CFR 1.46(c) (2).)

Note.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 as amended and OMB Circular A-107.

Dated: July 18, 1977.

O. W. SILER, Admiral, U.S. Coast Guard, Commandant.

[FR Doc.77-21323 Filed 7-22-77;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Glacier National Park, Mont. and Great Smoky Mountains National Park, N.C.-Tenn.; Food Storage Requirements

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: This regulation restricts people from leaving food open under conditions where it would attract and be available to wildlife. This action is necessary to minimize property damage and personal injury incidents which result from foraging activities of bears and other wildlife.

EFFECTIVE DATE: July 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Phillip R. Iversen, Superintendent, Glacier National Park, West Glacier, Montana 59936, telephone 406–888–5441; or Boyd Evison, Superintendent, Great Smoky Mountains National Park, Gatlinburg, Tennessee 37738, telephone 615–436–5615.

SUPPLEMENTARY INFORMATION: The purpose of these regulations is to enhance the safety of park visitors while at the same time ensuring the protection and continued existence of free-ranging wild animal populations by establishing controls on food and food containers in campsites. The experience of the National Park Service has shown that wild animals, particularly bears, can be attracted to readily available human foods, with the result that property can be damaged or personal injury and even death can occur. In a number of parks, the reduction of the availability of human food to wildlife through proper food storage and handling by campers has demonstrated that the possibility of wildlife/human confrontations with tragic results is lessened. Thus wildlife will not become addicted to human foods, become nuisances or present threats to the safety of park visitors, nor will individual animals need to be removed from the animal populations of the

Regulations similar to this one have been promulgated by a number of parks which have experienced difficulties with bears or other wildlife attracted to campgrounds by food. These regulations when proposed, did not result in a significant degree of public comment and have been generally well received by park visitors who are affected by the restrictions. In view of this situation and the fact that the summer travel season has already begun, it is deemed unnecessary and impracticable to provide a notice of proposed rulemaking on this action or to delay its effective date for 30 days after

this publication. However, interested persons who wish to make comments or suggestions on these regulations may do by writing to either of the respective park superintendents. All comments received will be reviewed to determine if revision of these regulations is necessary.

(Section 3 of the Act of August 25, 1916. 39 Stat. 535 (16 U.S.C. 3); Section 4 of the Act of August 22, 1914, 38 Stat. 700 (16 U.S.C. 170); Section 3 of the Act of April 29, 1942. 56 Stat. 259 (16 U.S.C. 403h-3); and 245 DM-1 (42 FR 12931).)

#### DRAFTING INFORMATION

These regulations were drafted by the respective park superintendents, as identified above.

Note.—The National Park Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: July 20, 1977.

WILLIAM J. WHALEN, Director, National Park Service.

In consideration of the foregoing, §§ 7.3 and 7.14 of Title 36, Code of Federal Regulations, is hereby amended as set forth below:

1. A paragraph (h) is added to § 7.3 to read as follows:

\*

§ 7.3 Glacier National Park. \*

(h) Camping. All food or similar organic material, as well as ice chests, cooking utensils, and food containers, must be kept in a closed vehicle that is constructed of solid, nonpliable material, or must be suspended at least 10 feet above the ground and 4 feet from any post, tree trunk, or limb. This restriction does not apply to food that is being transported, eaten, or prepared for eat-

2. A paragraph (c) is added to § 7.14 to read as follows:

§ 7.14 Great Smoky Mountains National Park.

(c) Camping. All food or similar organic material, as well as ice chests, cooking utensils, and food containers, must be kept in a closed vehicle that is constructed of solid, nonpliable material or in a trial shelter having bear exclosure fencing, or must be suspended at least 10 feet above the ground and 4 feet from any post, tree trunk, or limb. This restriction does not apply to food that is being transported, eaten, or prepared for

[FR Doc.77-21340 Filed 7-22-77;8:45 am]

Title 40—Protection of Environment CHAPTER I-ENVIRONMENTAL

PROTECTION AGENCY

[FRL-749-1]

PART 600-FUEL ECONOMY OF MOTOR . VEHICLES

Fuel Economy Labeling Procedures and Requirements for 1978 and Later Model Year Automobiles; Deletion of Fuel Economy Labeling Procedures for 1976 **Model Year Automobiles** 

AGENCY: Environmental Protection Agency.

ACTÍON: Interim rule.

SUMMARY: The Environmental Protection Agency (EPA) is establishing a new set of requirements for the format and content of the fuel economy labels for the 1978 and later model years. For the 1978 model year, these requirements may be used in place of the present requirements at the manufacturer's option. This action is intended to improve the impact of the labels by highlighting the pertinent information on the label and directing the consumer to the EPA/FEA Gas Mileage Guide for details. EPA will require a single label format to be used by all manufacturers for 1979 and subsequent model year automobiles. This action also deletes the obsolete 1976 labeling regulations.

DATES: Effective date: July 25, 1977. Date for submission of comments: October 25, 1977.

ADDRESS: Administrator, Environmental Protection Agency, Attention: Office of Mobile Source Air Pollution Control (AW-455), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CON-TACT:

Gary E. Timm, Technical Advisor, Regulatory Management Staff, Office of Mobile Source Air Pollution Control, U.S. Environmental Protection Agency, Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: The requirements for the presently-used fuel economy labels and sample labels were issued on November 10, 1976 (41 FR 49752; 40 CFR Part 600, Subpart D) under section 506 of the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. 2006. It appears that these labels do not have the impact on the consumer which was originally intended. The label is too wordy and repeats information which appears on the price sticker and in the Guide.

The new format contains less required text than the 1977 labels and heightens the visual impact of the label by rearranging the presentation of information. The new format is not required for the 1978 model year because of lead time constraints on manufacturers, but is being offered as an optional format for use by manufacturers. A single format will be made mandatory for later model year automobiles. In the meantime, manufacturers' cooperation is solicited in adopting the new format provided for in this document as soon as practicable.

The following changes in the labeling format are being made. The label shall be titled "EPA Fuel Economy Estimates" to identify the source of the information and to emphasize that the values are estimates. The fuel economy data for the vehicle will then be displayed in a horizontal row with a box around the combined mpg and the annual fuel cost estimate. This information will be followed by the vehicle description, then by the mpg range for comparable vehicles. At the bottom of each label will be a general reminder notice: "These numbers are estimates. Your actual mileage and cost will probably be different because of how, when, and where you drive. Compare these estimates with others listed in the Gas Mileage Guide. Your dealer has Free copies."

The currently required statements that the tests are conducted or approved by EPA and that the fuel economy and annual fuel cost estimates are based on tests of vehicles with frequently purchased options have been eliminated.

EPA finds that notice and public procedure before promulgating these interim regulations would be impracticable and contrary to the public interest because the lead time for manufacturers to make changes to their labeling plans for 1978 is critically short; this action extends to manufacturers the opportunity of implementing a format which will result in a simpler, clearer, more understandable label; and this action imposes no additional regulatory burden or cost upon the industry. For the same reasons, the Agency finds that there is good cause for making these interim regulations effective on the date of publication in the FEDERAL REGISTER.

EPA invites interested parties to submit comments on these interim regulations. These interim regulations will be replaced with final regulations after consideration of comments. Any changes in the final regulations will apply beginning no earlier than the 1979 model year since labeling for the 1978 model year will already be taking place by the time the final regulations are issued.

Regulations for the labeling of 1976 model year vehicles were published as Subpart H of Part 600 of Title 40 on March 19, 1976 (41 FR 11506) under section 506 of the Motor Vehicle Information and Cost Savings Act. Since these regulations were applicable only to the 1976 model year which has passed, they are obsolete and are being deleted. Because these regulations have no further effect. EPA finds good cause for deleting them without prior notice and public procedure and effective on July 25, 1977.

Note.—The **Environmental** , Protection Agency has determined that this document does not contain a major action requiring preparation of an Economic Impact Analysis under Executive Orders 11821 and 11949 and OMB Circular A-107.

(Sec. 301, Pub. L. 94-163, 89 Stat. 910 (15 U.S.C. 2006).)

Dated: July 18, 1977.

BARBARA BLUM. Acting Administrator.

40 CFR Part 600 is amended as follows:

Subpart D-Fuel Economy Regulations for 1977 and Later Model Year Automo-biles—Labeling

1. By adding a new § 600.306-78 identical to § 600.306-77 except that paragraphs (a) (1) and (a) (2) read as fol-

FEDERAL REGISTER, VOL. 42, NO. 142-MONDAY, JULY 25, 1977

#### § 600.306-78 Labeling requirements.

(a) \* \* \*

(1) Each manufacturer shall affix or cause to be affixed a general label as described in § 600.308-77, or (at the option of the manufacturer) § 600.308-78, or

(2) At the option of the manufacturer, the requirements of this paragraph may be satisfied by labeling an automobile with a specific label, as described in § 600.309-77 or (at the option of the manufacturer) § 600.309-78 in place of the general label.

2. By adding a new § 600.307-78 with paragraph (a) identical to paragraph (a) of § 600.307-77, and otherwise reading as follows:

#### § 600.307-78 Format of labels.

The fuel economy label must:

(b) Contain the following information which is illustrated on the sample label:(1) The title: EPA Fuel Economy Es-

timates,

(2) The combined fuel economy, annual fuel cost, city fuel economy, and highway fuel economy for the labeled vehicle as calculated in § 600.206 or § 600.207 as applicable, and as approved by the Administrator,

(3) The word "Model" or the phrase "For This Car" as appropriate for general and specific fuel economy labels, respectively, followed by the model year, car line name and description of the labeled vehicle as described in the manner and degree of detail specified in § 600.308 or § 600.309, as applicable,

(4) A statement as to the availability of the fuel economy and cost ranges containing the date of availability and the vehicle class identification followed by the range of fuel economy estimates, and annual fuel costs. The ranges are determined according to § 600.311 and supplied to the manufacturer by the Administrator.

(c) Include the following: "Reminder—These Numbers Are Estimates. Your actual mileage and fuel cost will probably be different because of how, when, and where you drive. Compare these estimates with others listed in the Gas Mileage Guide. Your dealer has Free copies."

A sample fuel economy label format for the 1978 model year is included in Appendix V.

. 3. By adding a new § 600.308-78 identical to § 600.308-77 except that paragraphs (c) and (d) are omitted and paragraph (a) reads as follows:

§ 600.308-78 General label contents.

The general fuel economy label must contain the following:

(a) The information and statements described in § 600.307 (a) through (c).

4. By adding a new \$ 600.309-78 identical to \$ 600.309-77 except that paragraph (b) is omitted and reserved, paragraphs (d) and (e) are omitted, and paragraph (a) reads as follows:

§ 600.309-78 Specific label contents.

The specific fuel economy label must contain the following:

(a) The information and statements as described in § 600.307 (a) through (c);

#### 5. By deleting Subpart H.

#### Subpart H-[Deleted]

6. By adding a new Appendix V to read as follows:

APPENDIX V—OPTIONAL FUEL ECONOMY LABEL FORMAT FOR THE 1978 MODEL YEAR

The following sample label illustrates the optional label format permitted for the 1978 model year:



#### EPA FUEL ECONOMY ESTIMATES



Combined Annual Fuel City Highway MPG Cost MPG MPG MPG

MODEL

1978 Ajax with 300 cubic inch engine, 8 cylinders, automatic transmission, catalyst, 2 barrel carburetor

As of September 16, 1977 the range of all LARGE cars was:

9 to 15 Combined MPG \$ 1083 to \$ 650 Annual Fuel Cost

REMINDER

THESE NUMBERS ARE ESTIMATES. Your actual mileage and fuel cost will probably be different because of how, when and where you drive. Compare these estimates with others listed in the <a href="mailto:Gas Mileage Guide">Gas Mileage Guide</a>. Your dealer has FREE copies.

[FR Doc.77-21052 Filed 7-22-77;8:45 am]

Title 45-Public Welfare

CHAPTER XX—NATIONAL FIRE PREVEN-TION AND CONTROL ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 2010—REIMBURSEMENT FOR COSTS OF FIREFIGHTING ON FEDERAL PROPERTY

#### Establishment of Chapter Correction

In FR Doc. 77–19988 appearing in the issue for Monday, July 18, 1977 the following corrections should be made:

1. On page 36954, the paragraph entitled, "FOR FURTHER INFORMATION", the telephone number should read, "202-632-9685."

2. On page 36955, the 1st column, 2nd full paragraph, 3rd line should read, "§ 2010.03(1) is revised so as to make

(a) In the 2nd column, 2nd paragraph, 2nd sentence should read, "Only if technical legal title is in the United States can there be reimbursement.".

(b) In the 4th paragraph, 5th sentence, the word "expressly" should be corrected.

3. On page 36956, in § 2010.02 Scope., the 1st word should read. "Fire \* \* \*".

4. On page 36957, in § 2010.11(j), in the 3rd column, should read:

(j) Itemized list of direct expenses (e.g., hours of equipment operation, fuel costs, consumables, overtime pay and wages for any specially hired personnel) and direct losses (e.g., damaged or destroyed equipment, to include purchase cost, estimate of the cost of repairs, statement of depreciated value immediately preceding and subsequent to the damage or destruction and the extent of insurance coverage) actually incurred in fighting the fire. A statement should be included explaining why each such expense or loss is considered by the claimant not to be a normal operating cost, or to be in excess of normal operating costs:

5. On page 36958, in § 2010.13(a), the 2nd sentence should read as follows: "\* \* The Administrator will upon notice of protest and receipt of additional evidence reconsider his determination of the amount of Federal payments under § 2010.12(a) (2) but not his determination of the amount of costs under § 2010.-12(a) (1)."

Title 47—Telecommunication
CHAPTER I—FEDERAL
COMMUNICATIONS COMMISSION

[Docket Nos. 19478 and RM-1842]

PART 91—INDUSTRIAL RADIO SERVICES
Expanding the Permissible Uses of 450—
470 MHz Off-Set Frequencies in the

Business Radio Service; Correction

AGENCY: Federal Communications Commission.

ACTION: Correction.

SUMMARY: This document corrects the document appearing at 42 FR 24274, May 13, 1977. (FR Doc. 77-13785).

EFFECTIVE DATE: June 13, 1977: Released: May 31, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mr. James E. McNally, Jr., Industrial and Public Safety Rules Division, Safety and Special Radio Services Bureau (202–632–6497).

SUPPLEMENTARY INFORMATION: In the matter of Amendment of Part 91 of the Commission's Rules and Regulations to expand the permissible uses of 450-470 MHz off-set frequencies in the Business Radio Service.

The Appendix of the Commission's Memorandum Opinion and Order, FCC 77-299, released May 7, 1977, and published as 42 FR 24274 is corrected by amending § 91.8(a) (1) (ix) to read as follows:

(ix) Any application involving a frequency in the 216-220 MHz band.

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-21240 Filed 7-22-77;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket No. 75-28; Notice 3]

PART 567—CERTIFICATION

PART 568—VEHICLES MANUFACTURED IN TWO OR MORE STAGES

**Certification of Multistage Vehicles** 

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Final rule.

SUMMARY: This notice amends the regulations that specify how a truck manufacturer meets its statutory responsibility to certify compliance of its products with Federal motor vehicle safety standards. Most trucks are constructed in at least two separate stages and these regulations have required the basic "chassis-cab" manufacturer to provide necessary engineering calculations to the subsequent manufacturer that permits him to finish the vehicle and certify compliance. The decision in Rex Chainbelt v. Brinegar, 511 F. 2d 1215 (7th Cir. 1975) directed the NHTSA to amend this regulation so that both manufacturers certify compliance to the degree their work affects the vehicle.

DATE: Effective date July 25, 1977.

ADDRESS: Petitions for reconsideration should refer to the docket number and be submitted to: Docket Section, Room 5108, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

David Fay, Motor Vehicle Programs, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-426-2817.

SUPPLEMENTARY INFORMATION: This notice amends 49 CFR Part 567, Certification, by adding a labeling requirement for chassis-cab manufacturers and modifying the labeling requirements for final stage manufacturers, in accordance with the decision in Rex Chainbelt, Inc. v. Brinegar, 511 F. 2d 1215 (7th Cir. 1975). Conforming amendments are made to 49 CFR Part 568, Vehicles Manufactured in Two or More Stages. Certification labeling requirements for intermediate manufacturers are proposed in a companion notice issued today (Notice 4, 42 FR 37831).

The notice is based on a proposal that was published as Notice 1 on October 3, 1975 (40 FR 45847). Seventeen comments were received in response to the proposal. The amendments are adopted essentially as proposed. The major change is that the list of permissible locations for the required certification labels has been extended to include the inward-facing surface of the driver's door, in order to accommodate the larger sizes of labels that can now be expected. Any submitted suggestions for changes that are not specifically mentioned herein are declined for exton or proposal at this time, on the basis of all the information presently available to the agency.

The existing scheme for the certification of multistage vehicles is found in Parts 567 and 568 of Title 49, Code of Federal Regulations. Briefly, it requires a final-stage manufacturer to certify that his completed vehicle complies with all applicable Federal motor vehicle safety standards, on the basis of (i) the work he has performed, and (ii) the information concerning the incomplete vehicle's conformity status with respect to each standard, found in a document (the "Part 568 document") supplied by those who have previously performed work on the incomplete vehicle. This scheme is more fully described in the notice of proposed rulemaking at 40 FR 45847.

Petitioners in the Rex Chainbelt case attacked the validity of the scheme as it applied to a company mounting cement mixers on chassis-cabs. The U.S. Court of Appeals for the Seventh Circuit, in its first opinion in this case, invalidated the scheme to the extent that it required a final-stage manufacturer who builds on a chassis-cab to make the "sole certification of compliance of the entire vehicle." Rex Chainbelt, Inc. v. Volpe, 486 F. 2d 757, 761-762 (7th Cir. 1973). In its last opinion, the Court restated its holding as meaning that "in instances where the customer purchases a chassis-cab from its manufacturer and thereafter the mixer from the mixer manufacturer, the 'entire vehicle' must be certified via two certifications, with the chassis-cab manufacturer certifying its chassis-cab, and with the mixer manufacturer certifying its mixer and the effect of the mounting, if any, to thus obtain effective certifica-tion of the 'entire vehicle.' " Rex Chain

belt, Inc. v. Brinegar, 511 F.2d 1215, 1216 7th Cir. 1975).

Parts 567 and 568 are amended today to conform to this decision. The basic change in Part 567 is to require the manufacturer of a chassis-cab to affix a certification label to his incomplete vehicle, certifying its conformity status with respect to each standard that will be applicable to the vehicle as completed. He will divide the standards into three categories, according to the degrees to which conformity with them is approached in his product, and certify essentially the same facts about them as have merely, up to now, been required to be indicated in the Part 568 document. The final stage manufacturer who uses the chassis-cab will then make a three-part certification statement (to the extent that the three parts are applicable), corresponding to the three statements made by the chassis-cab manufacturer.

More specifically, in the first category on its label, the chassis-cab manufac-turer will state, "This chassis-cab conforms to Federal Motor Vehicle Safety Standard Nos. \_\_\_\_," listing the numbers of the standards for which the statement is correct. In the corresponding first category on its label, the finalstage manufacturer will state, "Constage manufacturer will state, "Conformity of the chassis-cab to Federal Motor Vehicle Safety Standard Nos.

has not been affected by final-stage manufacture." This couplet conforms precisely to the mandate of the Court that the chassis-cab manufacturer certify its chassis-cab, and the finalstage manufacturer certify as to the "effect" of its work. It is not necessary for all the standards that were placed in the first category by the chassis-cab manufacturer to be similarly included by the final-stage manufacturer in his first category. The latter manufacturer is free to "affect" the manner in which the completed vehicle conforms to any such standards, e.g., by removing and replacing mirrors or lights, as long as he ultimately certifies in his third (final) statement conformity to those affected standards. In the extreme case, if the finalstage manufacturer wishes to exclude all of the standards from the first category, he may omit this statement altogether.

The second category of standards, those that are necessarily strongly affected by what both the chassis-cab and final-stage manufacturers do, is the main target of the regulatory scheme. In its second statement the chassis-cab manufacturer will certify, "This vehicle will conform to Standard Nos. if it is completed in accordance with the instructions contained in the incomplete vehicle document furnished pursuant to 49 CFR Part 568." The final-stage manufacturer's corresponding statement will be, "With respect to Standard Nos. ...., the vehicle has been completed in accordance with the chassis-cab manufacturer's instructions." This statement also conforms to the Court's opinion, although the treatment of this category cannot be as simple. The final-stage manufacturer, in considering a standard such as the one on air brakes that its work must crucially "affect," will thus have a choice. He may confrom his com-

pletion work to the instructions of the chassis-cab manufacturer, in which case he need only make a statement to that effect, thereby throwing the burden of conformity onto the chassis-cab manufacturer. Or, he may deviate from those instructions, in which case the second statement becomes inapplicable as far as that standard is concerned, and instead include the standard in the residual third statement. Thus, the final-stage manufacturer will describe the "effect of (his) mounting, if any" either by saying he had remained within the Part 568 document's limits, thereby actuating the chassis-cab manufacturer's certification, or by making an original certification of conformity. Again, if the final-stage manufacturer chooses to omit all standards from this second category, the second statement may be omitted.

second statement may be omitted.

The third statement by the chassiscab manufacturer will be, "Conformity to the other safety standards applicable to this vehicle when completed is not substantially affected by the design of the chassis-cab." The expression "substantially affected" replaces "substantially determined", which appeared in the notice of proposed rulemaking, in order to clarify the meaning of this third statement. This subject is dis-cussed further below. The third statement by the final-stage manufacturer will be, "This vehicle conforms to all other applicable Federal Motor Vehicle Safety Standards in effect in (month, year)." Obviously, conformity to standards concerning which the chassis-cab manufacturer makes no representation whatever, or to those where the finalstage manufacturer chooses not to follow the chassis-cab manufacturer's instructions, must be assumed by the finalstage manufacturer. The regulation provides that where the first two statements are omitted, the word "other" be omitted from the third statement. In this form it covers both the cases where the final-stage manufacturer chooses not to follow the chassis-cab manufacturer's instructions concerning any standards, and the cases involving in-complete vehicles other than chassis-cabs, to which the dual-certification scheme is inapplicable. Finally, it covers the cases where the final-stage manufacturer considers the simple conformity statement to adequately represent his rights and duties.

The Motor Vehicle Manufacturers Association (MVMA) and several chassis manufacturers objected to the chassiscab manufacturers type (1) certification, "Itlhis chassis-cab conforms to Federal Motor Vehicle Safety Standard Nos. ———", on several grounds. The essence of these objections was that such a certification would be both misleading and beyond the statutory authority of the NHTSA to require, because there are no standards applicable to chassis-cabs. These commenters have referred to Section 114 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1391 et seq.) (the Act), which requires certification that each "(motor) vehicle or item of motor vehicle equipment con-

forms to all applicable Federal motor vehicle safety standards." They have correctly pointed out that a chassis-cab, because it is an incomplete vehicle, is not a "motor vehicle" as that term is defined in section 102(3) of the Act. A chassis-cab is an item of "motor vehicle equipment", as that term is defined in section 102(4). While Federal motor vehicle safety standards have been issued for certain types of motor vehicle equipment, e.g., tires and motorcycle helmets, no such standards have been issued for chassis-cabs or other incomplete vehicles. The NHTSA agrees that the chassis-cab manufacturer's type (1) certification specified in the rule adopted today is therefore not the certification that is explicitly required by section 114 of the Act. Even so, the NHTSA considers the former certification to be meaningful and appropriate as part of a scheme for ensuring the full certification of completed motor vehicles by the proper manufacturing parties. Conformity of a physical object (in this case, a chassis-cab) to a safety stand-ard is a concept distinct from that standard's legal applicability to the object. For example, a chassis-cab is not statutorily required to conform to Standard No. 101, Control Location, Identification, and Illumination. because chassiscabs are not listed in S3. Application of that standard. Nevertheless, a chassiscab that does in fact meet the substantive requirements of the standard is accurately described as "conforming"

The NHTSA does not consider the type (1) certification to be misleading provided that it is factually accurate. Any intimation to the reader of such a statement that the safety standards enumerated in it are applicable to the chassiscab is outweighed by the need for full certification of completed motor vehicles. An untrue type (1) statement, of course, would be considered a noncompliance with 49 CFR Part 567.

Ford Motor Company has suggested that, through the new certification scheme, the NHTSA seeks to impose safety standards on chassis-cabs indi-rectly—without a statutorily required consideration of whether they are "reasonable, practicable, or appropriate for the particular type of motor vehicle or item of motor vehicle equipment for which (they are) prescribed." This characterization of the new scheme is incorrect. With the three part certification statement, the chassis-cab manufacturer is merely certifying his product's status of conformity with respect to each of the safety standards that apply to the com-pleted vehicle. The only standards to which a chassis-cab must actually conform are those that he has placed in the first category, and he is free to leave that category empty by including all the standards in the succeeding two.

Indeed, the NHTSA has specifically rejected the concept, urged by Ford and others, of Federal motor vehicle safety standards that apply to chassis-cabs. It is the completed motor vehicle with which the NHTSA is most concerned, because that is what is driven on the

public highways. The performance capabilities of a chassis-cab affect motor vehicle safety only through their effect on the performance of the vehicle into which the chassis-cab is completed. The consequent inappropriateness of standards applicable to chassis-cabs was discussed fully in the notice of proposed rulemaking.

The MVMA and several chassis manufacturers also objected to the second type of chassis-cab certification-that the chassis-cab will conform to enumerated standards if it is completed in accordance with the instructions found in the incomplete vehicle document. These commenters argued that such a certification statement would require the chassiscab manufacturer to anticipate conduct over which he has no control. Because conditions on subsequent manufacturing are contained within a chassis-cab manufacturer's type (2) certification statement, however, the statement's truth or falsehood is established at the time of chassis-cab manufacture. The work that is actually performed on a chassis-cab following such a certification has no bearing on that truth or falsehood. These objections are thus without foundation. The chassis-cab manufacturer is protected against the wide variety of possible methods of completion over which the NHTSA readily agrees he has no control.

In a similar vein, the MVMA suggested that the chassis-cab certification statements would be susceptible to amendments made to the standards between the time of manufacture of the chassis-cab and the completion of the vehicle, and would thus be unacceptably openended. The MVMA is mistaken. The NHTSA interprets all the statements on the chassis-cab manufacturer's label as made with respect to the Federal motor vehicle safety standards in effect at the time of manufacture of the chassis-cab, as that time is indicated on the label.

As noted in the notice of proposed rulemaking, there is a factual limitation on the chassis-cab manufacturer's use of the third type of certification. Where the chassis design is an important determinant of a vehicle's ability to conform to a given standard, it is incorrect to state (whether on a certification label or in a Part 568 document) that conformity to that standard is "not substantially determined by the design of the chassis-cab." Ford and General Motors objected to this position, arguing that where the work of the final-stage manufacturer substantially determines conformity, the design of the chassiscab must of necessity not substantially determine conformity. The NHTSA rejects these objections. It is possible for a completed vehicle's conformity to a standard to be substantially determined by both the design of the chassiscab and the manner of completion by the final-stage manufacturer. Indeed, this is often the case with the braking standards and the fuel system integrity standard, among others. To more precisely characterize the agency's inten-

tion and to eliminate further confusion on this subject, the expression "substantially determined" in the chassiscab manufacturers' type (3) certification is replaced by "substantially affected". In addition; an interpretive amendment is made to the description in Part 568 of the incomplete vehicle document, to effect the same substitution.

Rexnord, Inc. (formerly Rex Chainbelt) argued that the proposed certification scheme would not comply with the Rex Chainbelt holding because it would require "that the Final Mfr. certify the Chassis Mfr.'s materials, workmanship and design in some situations." The situations referred to are those in which a final-stage manufacturer affects the manner of conformity to a standard to which the chassis-cab has been certified in category (1) or departs from the completion instructions for a standard respecting which the chassiscab has been certified in category (2). Rexnord objects to the requirement that, in these situations, the final-stage manufacturer "unconditionally" certify the completed vehicle in category (3), on the ground that he should be able to "preserve so much of the prior certification as he has a right to rely on" despite his departure from the anticipated manner of completion.

The infinite number of modifications that can be made by a final-stage manufacturer in departing from the incomplete-vehicle manufacturer's disposition make "preservation" of the remnants of a prior certification extremely difficult under the general allocation provisions of Part 567. For this reason, the final-stage manufacturer must rely on the requirement that the chassis-cab manufacturer's certification is permanently affixed to the vehicle and thereby "preserves" that portion of the prior certification that can continue to be relied upon.

Rexnord also argued that the completion instructions supplied by chassis-cab manufacturers are often unreasonably restrictive. It urged that a new regulation be established to require those manufacturers to test and certify various "approved modifications" of their chassis-cabs. The NHTSA considers such an approach to be as unwise as the establishment of chassiscab standards. While there may be many instances in which the chassis manufacturer is in a better position than the final-stage manufacturer to take responsibility for the safety of a modi-fication to the chassis, the variety of manufacturing situations militates against government interference with the freedom of manufacturers to allocate responsibility among themselves as they find it most appropriate.

In response to Rexnord's suggestion, the rule specifies that the name of the chassis-cab manufacturer be preceded on the label affixed by him by the words "CHASSIS-CAB MANUFACTURED BY" or "CHASSIS-CAB MFD BY". Omission of these words from the proposed rule was an oversight. The additional suggestion that the final-stage manufac-

turer's name be preceded on his label by "FINAL STAGE MANUFACTURE BY" (or an abbreviation) rather than "MAN-UFACTURED BY" (or an abbreviation), however, is not adopted. Even though the latter designation may oversimplify the final-stage manufacturer's status, such a characterization is necessitated by the Act. In any event, the intimation that he is responsible for the entire vehicle is negated by the accompanying identification of the chassis-cab manufacturer.

The NHTSA declines the suggestion of Mack Trucks that Gross Vehicle and Gross Axle Weight Ratings be required, or at least permitted as an option, to appear on the chassis-cab label. There is great potential for user confusion if chassis-cab and final-stage manufacturers' labels indicate different weight ratings. The need to avoid this confusion outweighs an interest in placarding weight ratings other than those of the completed vehicle. Therefore, Rexnord's request—that the final stage manufacturer who does not depart from a chassiscab manufacturer's weight ratings be permitted to refrain from "restating" those ratings—cannot be granted.

The Recreation Vehicle Industry As-

sociation (RVIA) suggested a change in the definition of "chassis-cab" to include certain incomplete vehicles that are completed as motor homes. These "chopped vans" and "Type C" motor home chassis, however, appear to lack the prerequisite completed occupant compartments of the proposed definition. Because completeness of the occupant compartment is what sets chassis-cabs apart from other incomplete vehicles, the RVIA suggestion is declined. Accordingly, the definition is adopted as proposed. For convenience, it is located in § 567.3 rather than the definitions section of Part 571 of this title. Manufacturers are reminded that Part 568 continues to require the provision of a document with every incomplete vehicle, regardless of whether the incomplete vehicle, by virtue of being a chassis-cab, is also required by the rule issued today to be certified.

The new chassis-cab certification recuirements will take effect in one year. This is longer than all the lead times requested by commenters. It provides ample time for chassis-cab manufacturers to prepare for compliance. It also enables the NHTSA to evaluate the comments and take final action on the accompanying proposal to add certification requirements for intermediate manufacturers with sufficient lead time remaining for those manufacturers.

In consideration of the foregoing, the following amendments are made in Chapter V of Title 49, Code of Federal Regulations.

A. Part 568, Vehicles Manufactured in Two or More Stages, is amended as follows:

#### § 568.4 [Amended]

1. In § 568.4(a) (7), the reference to "subparagraph (7)" is changed to "subparagraph (6)" and the word "determined" in the third statement is replaced by the word "affected".

- 2. § 568.6(b) is amended to read:
- § 568.6 Requirements for final-stage manufacturers.

(a) \* \* \*

(b) Each final-stage manufacturer shall affix a label to the completed vehicle in accordance with § 567.5 of this chapter.

§ 568.7 [Amended] --

3. In § 568.7(a), the expression "§ 567.5(b) of this part" is changed to "§ 567.5(e) of this chapter".

4. In \$568.7(b), the expression "\$567.5(c) of this part" is changed to "\$567.5(f) of this chapter".

#### § 567.3 [Amended]

B. Part 567, Certification, is amended as follows:

1. A definition is added at the end

of § 567.3 to read:

"Chassis-cab" means an incomplete vehicle, with a completed occupant compartment, that requires only the addition of cargo-carrying, work-performing, or load-bearing components to perform its intended functions.

2. Section 567.4(c) is amended to read:

\$ 567.4 Requirements for manufacturers of motor vehicles.

(c) Except for trailers and motorcycles, the label shall be affixed to either the hinge pillar, door-latch post, or the door edge that meets the door-latch post, next to the driver's seating position, or if none of these locations is practicable, to the left side of the instrument panel. If that location is also not practicable. the label shall be affixed to the inwardfacing surface of the door next to the driver's seating position. If none of the preceding locations is practicable, notification of that fact, together with drawings or photographs showing a suggested alternate location in the same general area, shall be submitted for approval to the Administrator, National Highway Traffic Safety Administration, Washington, D.C. 20590. The location of the label shall be such that it is easily readable without moving any part of the vehicle except an outer door.

3. Section 567.5 is amended to read:

\*

§ 567.5 Requirements for manufacturers of vehicles manufactured in two or more stages.

(a) Except as provided in paragraph (e) of this section, each manufacturer of a chassis-cab shall affix a label to each chassis-cab manufactured on or after July 25, 1978, in the location and form specified in § 567.4, that contains the following statements, to the extent that they are applicable.

(1) "This chassis-cab conforms to Federal Motor Vehicle Safety Standard Nos. \_\_\_\_\_." The statement shall be completed by inserting the numbers of the safety standards (e.g., 101, 207) to

which the chassis-cab conforms.
(2) "This vehicle will conform to Standard Nos. \_\_\_\_\_ if it is completed

in accordance with the instructions contained in the incomplete vehicle document furnished pursuant to 49 CFR Part 568." The statement shall be completed by inserting the numbers of the safety standards conformity to which is substantially affected by both the design of the chassis-cab and the manner in which the vehicle is completed (i.e., the standards listed under category (ii) paragraph 568.4(a) (7) chapter).

(3) "Conformity to the other safety standards applicable to this vehicle when completed is not substantially affected by the design of the chassis-cab."

(4) Name of chassis-cab manufacturer preceded by the words "CHASSIS-CAB MANUFACTURED BY" or "CHASSIS-CAB MFD BY".

(5) Month and year of manufacture of chassis-cab. This may be spelled out, as in "JUNE 1970", or expressed in numerals, as in "6/70". No preface is required.

(b) [Reserved].

(c) Except as provided in paragraphs (e) and (f) of this section, each finalstage manufacturer, as defined in § 568.3 of Title 49 of the Code of Federal Regulations, of a vehicle manufactured in two or more stages shall affix to each vehicle a label, of the type and in the manner and form described in \$567.4 of this part, containing the following statements

(1) Name of final-stage manufacturer, preceded by the words "MANUFAC-TURED BY" or "MFD BY".

(2) Month and year in which finalstage manufacture is completed. This may be spelled out, as in "JUNE 1970", or expressed in numerals, as in "6/70". No preface is required.

(3) Name of original manufacturer of the incomplete vehicle, preceded by the words "INCOMPLETE VEHICLE MANUFACTURED BY" or "INC VEH MFD BY". This item and item (4) may be omitted in cases where the incomplete vehicle was a chassis-cab.

(4) Month and year in which the original manufacturer of the incomplete vehicle performed his last manufacturing operation on the incomplete vehicle,

in the same form as (2) above.

"GROSS VEHICLE (5) WEIGHT RATING" or "GVWR", followed by the appropriate value in pounds, which shall not be less than the sum of the unloaded vehicle weight, rated cargo load, and 150 pounds times the vehicle's designated seating capacity. However, for school buses the minimum occupant weight allowance shall be 120 pounds.

(6) "GROSS AXLE WEIGHT RAT-ING" or "GAWR", followed by the appropriate value in pounds for each axle, identified in order from front to rear (e.g., front, first intermediate, second intermediate, rear). The ratings for any consecutive axles having identical gross axle weight ratings when equipped with tires having the same tire size designation may be stated as a single value, with the label indicating to which axles the ratings apply.

EXAMPLES OF COMBINED RATINGS

GAWR: (a) All axles—4080 with 7.00 x 15 LT(D) tires; (b) Front—12,000 with 10.00 x 20(G) tires. First intermediate to rear— 15,000 with 12.00 x 20(H) tires.

(7) The following statements, as appropriate. Statements (i) and (ii) shall be made only for vehicles that were originally delivered by an incomplete vehicle manufacturer as a chassis-cab.

(i) "Conformity of the chassis-cab to Federal Motor Vehicle Safety Standard \_\_ has not been affected by Nos. final-stage manufacture." The statement shall be completed by inserting the numbers of all or less than all of the standards, and only those standards, to which the chassis-cab manufacturer has certified the vehicle under paragraph (a) (1) of this section. This statement may be omitted at the discretion of the final-

stage manufacturer.

(ii) "With respect to Standard Nos. , the vehicle has been completed in accordance with the chassis-cab manufacturer's instructions." The statement shall be completed by inserting the numbers of all or less than all of the standards, and only those standards, to which the chassis-cab manufacturer has made the conditional statement under paragraph (a) (2) of this section. This statement may be omitted at the discretion of the final-stage manufacturer.

(iii) "This vehicle conforms to all other applicable Federal Motor Vehicle Safety Standards in effect in (month, year)." The date shown shall be no earlier than the manufacturing date of the incomplete vehicle, and no later than the date of completion of final-stage manufacture. This statement may be omitted only if all standards applicable to the completed vehicle have been listed in the preceding two statements. If the first two statements are both omitted, the word "other" shall be omitted from this statement.

(8) Vehicle identification number.

(9) The type classification of the vehicle as defined in § 571.3 of Title 49 of the Code of Federal Regulations (e.g., truck, MPV, bus, trailer).

(d) More than one set of figures for GVWR and GAWR, and one or more tire sizes, may be listed in satisfaction of the requirements of paragraphs (c) (5) and (6) of this section, as provided in

§ 567.4(h).

(e) If an incomplete vehicle manufacturer assumes legal responsibility for all duties and liabilities imposed by the Act, with respect to the vehicle as finally manufactured, the incomplete vehicle manufacturer shall ensure that a label is affixed to the final vehicle in conformity with paragraph (c) of this section, except that the name of the incomplete vehicle manufacturer shall appear instead of the name of the finalstage manufacturer after the words "MANUFACTURED BY" or "MFD BY" required by subparagraph (c) (1) of this section, the additional manufacturer's name required by subparagraph (c) (3) of this section shall be omitted, and the date required by subparagraph (c) (4)

of this section shall be preceded by the words "INCOMPLETE VEHICLE MANU-FACTURED" or "INC VEH MFD."

(f) If an intermediate manufacturer of a vehicle assumes legal responsibility for all duties and liabilities imposed on manufacturers by the Act, with respect to the vehicle as finally manufactured, the intermediate manufacturer shall ensure that a label is affixed to the final vehicle in conformity with paragraph (c) of this section, except that the name of the intermediate manufacturer shall appear instead of the name of the final-stage manufacturer after the words "MANUFACTURED BY" or "MFD BY" required by subparagraph (c) (1) of this section.

Effective dates: Part 567: All changes to the text of the Code of Federal Regulations should be made immediately, to minimize confusion resulting from

changes in the designation of paragraphs. The chassis-cab labeling requirements are effective as indicated in § 567.5(a). Findings: Because § 567.5(c) allows an alternative means of compliance with requirements previously set out in § 567.5(a) and creates no additional burden, the National Highway Traffic Safety Administration finds that an immediate effective date is in the public interest. Paragraphs (d) through (f) of § 567.5 are simply the prior paragraphs (b) through (d) transposed, with corrected cross-references. Because the amendment to § 567.4(c) also allows an alternative means of compliance and creates no additional burden, the NHTSA finds that an immediate effective date for this amendment is also in the public interest. Similarly, the addition of a definition to § 567.3 creates no additional burden.

Part 568: These amendments are effective immediately. The amendment to \$568.4(a) (7) is interprective in nature. Because the amendments to \$\$568.6 and 568.7 relieve restrictions and create no additional burdens, the NHTSA finds that an immediate effective date for them is also in the public interest.

The principal program official and lawyer responsible for preparation of this rulemaking document are David Fay and Mark Schwimmer, respectively.

(Secs. 103, 108, 112, 114, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1397, 1401, 1403, 1407); delegation of authority at 49 OFR 1.50.)

Issued on July 8, 1977.

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JOAN CLAYBROOK, Administrator.

[FR Doc.77-21119 Filed 7-22-77;8:45 am]

# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

#### DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 945]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Vegetables: Import Regulations; Notice of Proposed Amendment No. 1 to Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed amendment to the handling regulation would require fresh market shipments of potatoes grown in certain counties in Idaho and Malheur County, Oregon, to be inspected and meet minimum grade, size, cleanliness, maturity and pack requirements during the period August 16, 1977, through July 31, 1978. The amendment would promote orderly marketing of such potatoes by keeping less desirable sizes and qualities from being shipped to consumers.

DATE: Comments due August 9, 1977.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077 South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business

FOR FURTHER INFORMATION CON-TACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Wash-D.C. 20250, telephone 202ington.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR 945). regulate the handling of potatoes grown in designated counties in Idaho and Malheur County, Oregon. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Idaho-Eastern Oregon Potato Committee, established under the order, is responsible for its local administration.

This notice is based upon recommendations made by the committee at its public meeting in Twin Falls, Idaho, on June 15, 1977.

The proposed amendment would extend the current regulation, which is similar to those issued during past seasons.

The grade, size, cleanliness, maturity, pack and inspection requirements recommended herein are necessary to prevent potatoes of low quality or undesirable sizes from being distributed to fresh market outlets. The specific proposed requirements would benefit consumers and producers by standardizing and improving the quality of the pota-toes shipped from the production area, thereby promoting orderly marketing and would tend to effectuate the declared policy of the act.

Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate unreasonable.

A specified quantity of potatoes would be exempt from maturity requirements in order to (1) permit growers to make test diggings without loss of the potatoes so harvested or (2) allow a lot to be shipped which afer regrading, meets the grade and size requirements but then fails to meet the maturity requirements, possibly due to further "skinning" as a result of running the potatoes over the grader again.

Shipments would be permitted to certain special purpose outlets without regard to minimum grade, size, cleanliness, maturity and pack requirements, provided that safeguards were met to prevent such potatoes from reaching un-authorized outlets. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments would also be exempt. Certified seed and seed pieces cut from stock eligible for certification would also be so exempted, because requirements for this outlet differ grealty from those for fresh market.

Potatoes used for experimentation have special requirements and do not normally enter commercial channels of trade. Potatoes for most processing uses are exempt under the legislative authority for this part.

Requirements for export shipments differ from those for domestic markets. While the standard quality requirements are desired in foreign markets, smaller sizes are more acceptable. In commercial prepeeling, operators can use potatoes with surface defects which would be undesirable for the tablestock market, and smaller sizes are acceptable. Therefore, different requirements are proposed for export and prepeeling shipments.

The proposed amended handling regulation is as follows:

§ 945.336 Handling regulations.

During the period August 16, 1977, through July 31, 1978, no person shall handle any lot of potatoes unless such

potatoes meet the requirements of paragraphs (a), (b), (c) and (d) of this section, or unless such potatoes are handled in accordance with paragraphs (e), (f), or (g) of this section.

(a) Minimum quality requirements-(1) Grade. All varieties.—U.S. No. 2 or better grade.

(2) Size—(i) Round red varieties.— 1% inches minimum diameter.

(ii) All other varieties. 2 inches minimum diameter, or 4 ounces minimum weight.

(iii) All varieties. Size B if U.S. No. 1 or better grade.

(3) Cleanliness. All varieties. "Fairly clean."

(b) Minimum maturity requirements.-(1) White Rose and red skin varieties. Beginning the effective date hereof through December 31, 1977, "moderately skinned"; thereafter no maturity re-

(2) Norgold skinned." variety. "Slightly

(3) All other varieties. "Slightly skinned."

(4) Exceptions. (i) Subject to compliance with subdivision (iii) of this subparagraph, any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements, but fails to meet the grade and size requirements, the lot may be regraded. If, after regrading, such lot then meets the grade and size requirements but fails to meet the maturity.requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements if the handler complies with subdivision (iii) of this subparagraph.

(iii) Prior to each shipment of potatoes exempt from the foregoing maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) Pack. (1) When 50-pound containers (except master containers) of long varieties of potatoes are marked with a count, size or similar designation they must meet the count, average count and weight ranges for the count designation listed below.

|                 |                      | Range               |                 |
|-----------------|----------------------|---------------------|-----------------|
| •               | Count                | Average count       | Weight          |
| arger than 50   | 10 pct over or under | 5 pct over or under | 15 oz or larger |
|                 | 45 to 55             | 48 to 53            | 12 to 19.       |
| 0               | 54 to 66             | 57.to 63            | 10 to 16.       |
| 0               | 63 to 77             | 67 to 74            |                 |
|                 | 72 to 88             | 76 to 84            | 8 to 13.        |
|                 |                      | 86 to 95            |                 |
|                 |                      | 95 to 105           |                 |
|                 |                      | 105 to 116          |                 |
|                 |                      | 114 to 126          |                 |
|                 |                      | 124 to 137          |                 |
|                 |                      | 133 to 147          |                 |
| maller than 140 |                      |                     |                 |

<sup>1</sup> Applicable to lots.

The following tolerances by weight, are provided for potatoes in any lot which fail to meet the weight range for the designated count:

- (i) Not to exceed 5 percent for undersize; and
- (ii) Not to exceed 10 percent for oversize.
- (2) Potatoes packed in 50-pound cartons shall be U.S. No. 1 or better grade.
- (d) Inspection. (1) No handler shall handle potatoes unless such potatoes are inspected by either the Idaho Federal-State Inspection Service or Oregon Federal-State Inspection Service and are covered by a valid inspection certificate except when relieved of such requirement pursuant to paragraph (e), (f), or (g) of this section.
- (2) Each lot moving by truck shall be accompanied by a copy of a valid inspection certificate.
- (e) Special purpose shipments. (1) The minimum grade, size, cleanliness maturity and pack requirements set forth in paragraphs (a), (b) and (c) of this section shall not be applicable to shipments of potatoes for any of the following purposes:
  - (i) Charity
  - (ii) Certified seed;
- (iii) Seed pieces cut from stock eligible for certification as certified seed;
  - (iv) Experimentation; and
- (v) Canning, freezing and "other processing" as hereinafter defined: Except shipments of potatoes for the purpose specified in this subdivision (v) shall be exempt from inspection requirements specified in § 945.65 and paragraph (d) of this section and from asspecified in sessment requirements § 945.42.
- (2) The minimum grade, size, cleanliness, maturity and pack requirements set forth in paragraphs (a), (b) and (c) of this section shall be applicable to shipments of potatoes for each of the following purposes:
- (i) Export. Except potatoes of a size not smaller than 11/2 inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and
- (ii) Prepeeling. Except potatoes of a size not smaller than 11/2 inches in diameter may be shipped if the potatoes grade not less than Idaho Utility or Oregon Utility grade.
  - (f) Safeguards. (1) Each handler

making shipments of potatoes for charity, seed pieces cut from stock eligible for certification, experimentation, export, or for prepeeling pursuant to paragraph (e) of this section shall:

(i) First, apply to the committee for and obtain a Certificate of Privilege to make shipments for each purpose;

(ii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iii) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that such receiver will complete and return to the committee' such periodic receiver's reports that the committee may require.

(iv) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment:

(v) Bill each shipment directly to the applicable receiver.

(2) Each handler making shipments of potatoes for canning, freezing, or 'other processing" pursuant to paragraph (e) of this section shall:

(i) First apply to the committee for and obtain a Certificate of Privilege to

make shipments for processing;

(ii) Make shipments only to those firms whose names appear on the committee's current list of manufacturers of potato products;

(iii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

- (iv) Mail to the committee's office a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment:
- (v) Bill each shipment directly to the applicable processor.
- (3) Each receiver of potatoes for processing pursuant to paragraph (e) of this section shall:
- (i) Complete and return an application form for listing as a manufacturer of potato products;
- (ii) Certify to the committee and to the Secretary that potatoes received from the production area for processing will be used for such purposes and will

not be placed in fresh market channels; (iii) Report on shipments received as the committee may require and the Secretary approve.

(g) Minimum quantity exception. Each handler may ship up to, but not to exceed, five hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds five hundredweight of potatoes.

(h) Definitions. The terms "U.S. No. 1," "U.S. No. 2," "Size B," "fairly clean," "moderately skinned," and "slightly skinned," shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540-51.1566 of this title), including the tolerances set forth therein. The term "prepeeling" means the commercial preparation in a prepeeling plant of clean, sound, fresh potatoes by washing, peeling or otherwise removing the outer skin, trimming sorting, and properly treating to prevent discoloration preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 of the United States Standards for Peeled Potatoes (7 CFR Part 52). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form of stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." The terms "Idaho Utility" grade and "Oregon Utility" grade shall have the same meaning as when used in the respective standards for potatoes for the respective States. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 945, both as amended.

(i) Applicability to imports. Pursuant to section 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the long varieties imported during the effective period of this section shall meet the grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section.

Dated: July 20, 1977.

CHARLES R. BRADER, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-21359 Filed 7-22-77;8:45 am]

# [7 CFR Part 947]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

**Proposed Handling Regulation** 

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed regulation would require fresh market shipments of potatoes grown in Modoc and Siskiyou Counties in California and all counties in Oregon except Malheur County to be inspected and meet minimum grade, size, cleanliness, pack and maturity requirements. The regulation should promote orderly marketing of such potatoes by keeping less desirable sizes and qualities from being shipped to consumers.

DATE: Comments due August 9, 1977.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077 South Building, U.S. Department of Agriculture. Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business

FOR FURTHER INFORMATION CON-TACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, Department of Agriculture, Washington, D.C. 20250. Telephone 202-447-3545.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 114 and Order No. 947, both as amended, regulate the handling of potatoes grown in designated counties of California and Oregon. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Oregon-California Potato Committee, established under the order, is responsible for its local administration.

This notice is based upon recommendations made by the committee at its public meeting in Klamath Falls, Ore-

gon, on June 16, 1977.

The grade, size, maturity, pack, cleanliness and inspection requirements recommended herein are the same as those issued during the last season. They are necessary to prevent potatoes of low quality or undesirable sizes from being distributed to fresh market outlets. These specific proposals would benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area, thereby promoting orderly marketing and would tend to effectuate the declared policy of the act.

The committee recommends that potatoes grown in and shipped from District No. 5 be a minimum of 2 inches or 4 ounces. All handlers in District 5 desired this amendment because it makes size requirements in their district conform to those in effect under Marketing Order 946 covering the State of Washington. District No. 5 borders on Washington. Washington handlers are their direct competitors, and potatoes move

freely across the State line.

Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Inspection requirements would be modified for certain handlers whose facilities are located far enough from major production areas to cause a substantial financial burden in maintaining a fulltime Federal-State inspector.

A specified quantity of potatoes would be exempt from maturity requirements in order to permit growers to make test diggings without loss of the potatoes so harvested.

Shipments would be permitted to certain special purpose outlets without regard to minimum grade, size, cleanliness, maturity, pack and inspection requirements, provided that safeguards were met to prevent such potatoes from reaching unauthorized outlets. Certified seed would be so exempt, subject to the safeguard provisions only when shipped

outside the district where grown.

Shipments for use as livestock feed within the production area or to specified adjacent areas would likewise be exempt; a limit to the destinations of such shipments would be provided so that their use for the purpose specified would be reasonably assured. Shipments of potatoes between Districts 2 and 4 for planting, grading, and storing would be exempt from requirements because these two areas are homogenous and have no natural division. Other districts are more clearly separated and do not have this problem. For the same reason. potatoes grown in District 5 may be shipped without regard to the aforesaid requirements to the Counties of Adams. Benton, Franklin and Walla Walla in the State of Washington, and Malheur County, Oregon, for grading and storing. Since no purpose would be served by regulating potatoes used for charity purposes, such potatoes are exempt. Also potatoes for most processing uses are exempt under the legislative authority for this part.

Requirements for export shipments differ from those for domestic markets. While the standard quality requirements are desired in foreign markets, smaller sizes are more acceptable. Therefore, different requirements for export shipments are proposed.

The proposal is as follows:

### § 947.335 [Removed]

- 1. Termination of regulations. Handling regulation § 947.335, as amended, effective August 5, 1976 through October 15, 1977 (41 FR 32695 and 52058) shall be terminated upon the effective date of this section.
- 2. Section 947.336 is added to read as set forth below.

# § 947.336 Handling regulation.

During the period August 15, 1977, through October 15, 1978, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) through (f) of this section or unless such potatoes are handled in accordance with paragraphs (g), (h), or (i) of this section.

(a) Grade requirements. All varies—U.S. No. 2, or better grade.

(b) Size requirements. All varieties-1% inches minimum diameter except potatoes from District No. 5 shall be 2 inches minimum diameter or 4 ounces minimum weight. However, potatoes for export may be 11/2 inches minimum diameter.

(c) Cleanliness requirements. All varieties and grades-As required in the United States Standards for Grades of Polatoes, except that U.S. Commercial may be no more than "slightly dirty."

(d) Maturity (skinning) requirements. (1) All varieties—no more than "moderately skinned."

(2) Not to exceed a total of 100 hundredweight of potatoes may be handled during any seven day period without meeting these maturity requirements. Prior to shipment of potatoes exempt from the above maturity requirements, the handler shall obtain from the committee a Certificate of Privilege.

(e) Pack. Potatoes packed in 50-pound cartons shall be U.S. No. 1 grade or better, except that potatoes that fail to meet the U.S. No. 1 grade only because of hollow heart and/or internal discoloration may be shipped provided the lot contains not more than 10 percent damage by hollow heart and/or internal discoloration, as identified by U.S.D.A. Color Photograph E (Internal Discoloration—U.S. No. 2—Upper Limit), POT— CP-9, May, 1972, or not more than 5 percent serious damage by internal defects.

(1) Inspection. (1) Except when relieved by paragraphs (g), (h) or (i) of this section and subparagraph (2) of this paragraph, no person shall handle potatoes without first obtaining inspection from an authorized representative of the Federal-State Inspection Service.

(2) Handlers making shipments from facilities located in an area where inspection costs would otherwise exceed one and one-half times the current perhundredweight inspection fee, are exempt from on site inspection provided such handler has made application to the committee for inspection exemption on forms supplied by the committee, and provided further that such handler signs an agreement with the committee to report each shipment on a daily basis and pay the committee a sum equal to the current inspection fee.

(3) For the purpose of operation under this part each required inspection certificate is hereby determined, pursuant to § 947.60(c) to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The validity period of an inspection certificate covering inspected and certified potatoes that are stored in mechanically refrigerated storage within 14 days of the inspection shall be 14 days plus the number of days that the potatoes were held in refrigerated storage.

(4) Any lot of potatoes previously inspected pursuant to § 947.60(a) and certified as meeting the requirements of this part is not required to have additional inspection under § 947.60(b) after regrading, resorting, or repacking such potatoes, if the inspection certificate is valid at the time of regrading, resorting, or repacking of the potatoes.

(g) Special purpose shipments. The minimum grade, size, cleanliness, pack, maturity and inspection requirements

set forth in paragraphs (a) through (f) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed, subject to applicable safeguard requirements of paragraph

(h) of this section.

(2) Livestock feed: However, potatoes may not be handled for such purposes if destined to points outside of the produc-tion area, except that shipments to the Counties of Benton, Franklin and Walla Walla in the State of Washington and to Malheur County, Oregon, may be made, subject to the safeguard provisions of paragraph (h) of this section.

(3) Planting in the district where grown, except that potatoes for this purpose grown in District No. 2 or District No. 4 may be shipped between those two

districts.

(4) Grading or storing under the fol-

lowing provisions:

- (i) Between districts within the production area for grading or storing if such shipments meet the safeguard requirements of paragraph (h) of this sec-
- (ii) Potatoes grown in District No. 2 or District No. 4 may be shipped for grading or storing between those two Districts without regard to the safeguard requirements of paragraph (h) of this section.
- (iii) Potatoes grown in District No. 5 may be shipped for grading and storing to points in the Counties of Adams, Benton, Franklin and Walla Walla in the State of Washington, or to Malheur County, Oregon, without regard to the safeguard provisions of paragraph (h) of this section.
- (5) Charity: Except that shipments for charity may not be resold if they do not meet the requirements of the marketing order, and that shipments in excess of 5 hundredweight per charitable organization shall be subject to the safeguard provisions of paragraph (h) of this section.

(6) Starch manufacture!

(7) Canning, freezing, prepeeling, and "other processing" (except starch manufacturing), as hereinafter defined (including storage for such purposes).

(h) Safeguards. (1) Each handler making shipments of certified seed outside the district where grown pursuant to paragraph (g) shall obtain from the committee a Certificate of Privilege, and shall furnish a report of shipments to the committee on forms provided by it.

- (2) Each handler making shipments of potatoes pursuant to subparagraphs (2), (4) (i), and (5) of paragraph (g) of this section shall obtain a Certificate of Privilege from the committee, and shall report shipments at such intervals as the committee may prescribe in its administrative rules.
- (3) Each handler making shipments pursuant to subparagraph (7) of paragraph (g) of this section may ship such potatoes only to persons or firms designated as manufacturers of potato products by the committee, in accordance with its administrative rules.
- (i) Minimum quantity exemption. Any person may handle not more than 19

hundredweight of potatoes on any day without regard to the inspection requirements of § 947.60 and to the assessment requirements of § 947.41 of this part except no potatoes may be handled pursuant to this exemption which do not meet the requirements of paragraphs (a), (b), (c), (d) and (e) of this section. This exemption shall not apply to any part of a shipment which exceeds 19 hundredweight.

(j) Definitions.(1) The terms "U.S. No. 1," "U.S. Commercial," "U.S. No. 2," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes (§§ 51.1540-51.1566) including the tolerances set forth there-

(2) The term "slightly dirty" means potatoes that are not damaged by dirt.

- (3) The term "prepeeling" means the commercial preparation in a prepeeling plant of clean, sound, fresh potatoes by washing, peeling or otherwise removing the outer skin, trimming, sorting, and properly treating to prevent discoloration preparatory to sale, in one or more of the styles of peeled potatoes described in § 52.2422 United States Standards for Grades of Peeled Potatoes (7 CFR Part
- (4) The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, or starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or applying material to prevent oxidation does not constitute "other processing."
- (5) Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

Dated: July 20, 1977.

CHARLES R. BRADER, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-21360 Filed 7-22-77:8:45 am]

# FEDERAL HOME LOAN BANK **BOARD**

[ 12 CFR Part 563 ] [No. 77-445]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Loans Involving Mortgage Insurance

JULY 19, 1977.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: Present regulations prohibit an FSLIC-insured institution from insuring loans with a mortgage insurance company in which the institution and service corporation(s) and insiders

thereof have an ownership interest in excess of specified limits, but provide an exception for such a company which was in existence on March 11, 1976, and is entirely owned by insured institutions, no one of which owns more than twentyfive percent of any class of equity securities of the company. The Board believes that the purpose of these regulations would be furthered by tightening this exception, and the proposed amendment would have this effect. The pro-posed amendment would modify the exception to (1) prevent an insured institution from increasing its investment under the exception; (2) prevent an institution which reduces its investment from subsequently increasing it under the exception; and (3) prevent an insti-tution whose interest is presently less than prescribed maximum limits from increasing its interest to exceed such limits.

DATES: Comments must be received on or before August 26, 1977.

ADDRESS: Send comments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552. Comments available for public inspection at this

FOR FURTHER INFORMATION CON-TACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board (202-376-3556) at the above address.

SUPPLEMENTARY INFORMATION: Present § 563.44(b) (4) of the Rules and Regulations for Insurance of Accounts (12 CFR 563.44(b) (4)) prohibits an insured institution or service corporation affiliate thereof from insuring, on and after January 1, 1977, any loan with a mortgage insurance company in which such insured institution or service corporation affiliate or directors, officers, or controlling persons thereof have an equity ownership interest as specified. unless a compelling justification is made that no conflict of interest would result thereby. Section 563.44(c) provides an exception from such prohibition for any mortgage insurance company in exist-ence on March 11, 1976, which is entirely owned, directly or indirectly, by insured institutions, no one of which owns more than twenty-five percent of any class of equity securities of such mortgage insurance company.

In adopting § 563.44(c), the Board intended only to "grandfather" the investment then held by insured institutions in the only mortgage insurance company known to be owned entirely by insured institutions, the Pennsylvania Mortgage Insurance Company ("PAMICO"). This "grandfathering" of such investment was based on the Board's review of the operations of the four insured institutions which indirectly owned PAMICO and its determination that such operations did not appear to involve the sort of abuses that § 563.44 was intended to prevent. The Board noted in the preambles to the resolutions which adopted

paragraph (c) and which later, in essence, limited its scope to PAMICO that it remained concerned with this exception and might modify or revoke the exception on the basis of later experience with it.

Since adoption of § 563.44(c), the parent company of PAMICO, Pennsylvania Thrift Services Corporation ("Pennsylvania Thrift"), has issued additional stock and increased the number of indirect owning insured institutions of PAMICO beyond the original four. This action in the face of repeated expression by the Board of concern with paragraph (c) was apparently based on the view that the language of this provision arguably exempts from the limitations in § 563.44(b) not only the investment in PAMICO of its original owners but also that of other insured institutions which might invest in the company. The present proposal would effectuate the Board's intent with respect to paragraph (c) by modifying it to make clear that the prohibitions in § 563.44(b) apply to any insured institution during any period that it owns directly or indirectly equity securities of a mortgage insurance company acquired after the date of publication of this proposed amendment in excess of the limitations in that § 563.44 (b) (4).

It should be noted that the proposal would subject to the § 563.44(b) prohibitions any insured institution acquiring equity securities in excess of the § 563.44 (b) (4) limitations even if such acquisition merely added to an existing ownership interest "grandfathered" by § 563.44 (c). The proposal would also subject to the § 563.44(b) prohibitions any insured institution with a "grandfathered" investment in a mortgage insurance which decreased such investment and thereafter increased it again other than within the § 563.44(b) (4) limitations.

Although the Board believes the amendment to \$563.33(c) hereby proposed would be useful for the purposes discussed above, the Board emphasizes that it remains concerned with the exception in \$563.44(c) and may in the future further modify or even revoke the exception if experience with it indicates that such action is warranted.

Accordingly, the Board hereby proposes to amend paragraph (c) of § 563.44 to read as follows:

§ 563.44 Loans involving mortgage insurance.

(c) Exception. Paragraph (b) (4) of this section does not apply to any mortgage insurance company in existence on March 11, 1976, which is entirely owned, directly or indirectly, by insured institutions. This exception does not, however, exclude from the provisions of said paragraph (d) (4) any insured institution during any period when it owns directly or indirectly equity securities of a mortgage insurance company acquired after July 25, 1977, in excess of the limitations specified in that paragraph.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. §§ 1725, 1726, 1730). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN, Secretary.

[FR Doc.77-21297 Filed 7-22-77;8:45 am]

# NATIONAL CREDIT UNION ADMINISTRATION

# [12 CFR Part 720] PRIVACY ACT OF 1974

Description of Office, Disclosure of Official Records Availability of Information, Promulgation of Regulations

AGENCY: National Credit Union Administration.

ACTION: Proposed rule.

SUMMARY: It is proposed that the National Credit Union Administration's (NCUA) regulations implementing the Privacy Act be amended. Experience with the present regulations has indicated that individuals not sophisticated in dealing with administrative agencies may find certain requirements needlessly complex and discouraging. Proposed changes include simplifying the identity of the recipient for written requests, decreasing copying costs, extending the suggested time frame for appeals to access denial (and clarifying the nonmandatory nature of this limit), and shortening the time for agency acknowledgement of requests.

DATES: Comments must be received on or before August 5, 1977.

ADDRESS: National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT:

Robert M. Fenner, Office of the General Counsel, National Credit Union Administration, 2025 M Street, NW., Washington, D.C. 20456. Telephone: (202-254-9810).

SUPPLEMENTARY: Where previously NCUA's Privacy Act regulations required that all requests be sent to the Administration official identified in the access procedure section of the descriptive notice(s) for the appropriate system(s) of records as published in the Federal Register, an official is now identified as a person to whom requests can be made by persons not familiar with the published descriptive notices.

Where previously there was no allowance for personal information over the phone, a new subsection has been added so this may be accomplished with proper oral identification (i.e., statement of home address, date of birth, or social security number). Identification requirements for in person or by mail requests are to be modified so that the responsible official may waive some of the required identifiers if those provided are deemed

sufficient. This will allow greater flexibility and consideration of the nature of the information requested.

Where previously the regulations provided that a Statement of Disagreement (with access denial) may be furnished by the individual within 30 days, the amended version would read: "It is requested that they be furnished within 180 days." This is in consideration of the fact that the Privacy Act is silent on time limits for filing such statements.

In addition, the time limit for agency response to requests concerning a single system of records which do not require consultation with or requisition of records from another agency is to be decreased from 20 to 10 days. Also, the cost of document copies is decreased from \$.25 to \$.10.

The proposed changes should make the procedure more manageable for the average person, thus furthering the purpose of the Privacy Act to provide safeguards for individuals against invasion of personal privacy. Yet the process is still efficient from the Agency point of view.

Accordingly, it is proposed to amend 12 CFR Part 720 as set forth below:

#### § 720.21 [Amended]

1. In § 720.21, by designating each paragraph as (a) through (g).

# § 720.22 [Amended]

2. In § 720.22(a), by (i) deleting the words "in person or in writing," and (ii) by inserting the following at the end of paragraph (a): "An individual who does not have access to the FEDERAL REGISTER and who is unable to determine the appropriate official to whom his request should be submitted may submit his request to the Assistant Administrator for Administration, National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456, in which case the request will then be referred to the appropriate Administration official(s) and the date of receipt of the request will be determined as the date of receipt by that official(s)."

# § 720.23 [Amended]

3. In § 720.23, as follows:

(i) Paragraph (a) by deleting the word "minimum" and by inserting after the word "request" the words "either in person or by mail,";

(ii) Subparagraph (a) (1) by deleting the word "may" and inserting, in lieu thereof, the words "shall, if not personally known to the Administration official responding to the request,";

(iii) Subparagraph (a) (2) by deleting the word "shall" and inserting, in lieu thereof, the word "may," and by inserting after the words "other document" a period and the following: "If less than all of this requisite identifying information is provided, and unless that which is provided is considered sufficient to establish the requestor's identity, in view of the nature of the information requested, the Administration official responding to the request may require fur-

ther identifying information prior to any notification or responsive disclosure;

(iv) By adding a new paragraph (c) as follows: "(c) Individuals may request notification of the existence of and access to records about themselves and contained in a system of records by telephone. In such a case, the Administration official responding to the request shall require, for the purpose of comparison and verification of identity, at least two items of identifying information (such as date of birth, home address, social security number) which are already possessed by the Administration. If the requisite identifying information is not provided, or otherwise at the discretion of the responsible Administration official, the individual may be required to submit his request by mail or in person in accordance with paragraph (a), above.";

(v) Paragraph (c) by redesignating it

as paragraph (d);

(vi) Paragraph (d) by redesignating it as paragraph (e) and by deleting the word "and" after the words "in paragraph (a)," and inserting a comma in lieu thereof, and inserting after "(b)" the words "and (c)."

# § 720.23 [Amended]

4. In § 720.23, as follows:

(i) Paragraph (a) by deleting the words "within thirty days" and by inserting, in lieu thereof, the words "preferably within 180 days."

(ii) Subparagraph (b) (1) by deleting the number "20" and by inserting, in lieu thereof, the number "10";

#### 8 720.26 [Amended]

5. In § 720.26(a), by adding the following to the end of paragraph (a): "An individual who does not have access to the Administration's "Notices of Records Systems," and to whom the appropriate address is otherwise unavailable may submit this request to the Assistant Administrator for Administration, National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456, in which case the request will then be referred to the appropriate Administration official and the date of receipt of the request will be determined as of the date of receipt by that official."

# § 720.27 [Amended]

6. In § 720.27, as follows:

Paragraph (c) by inserting a period following the words "by the individual" and by inserting after that period the words "It is requested that they be furnished."

# § 720.34 [Amended]

7. In § 720.34, as follows:

(i) Paragraph (a) by deleting the colon following the words "to pay" and by inserting, in lieu thereof, the words "or the cost of collecting the fee:";

(ii) Subparagraph (a) (1) by deleting the figure "\$.25" and by inserting, in lieu thereof, the figure "\$.10";

(iii) Paragraph (b) by deleting the words "Where it is anticipated" and by inserting, in lieu thereof, the words "If it is determined."

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1104 (12 U.S.C. 1789))

LORENA C. MATTHEWS, Acting Administrator.

JULY 7, 1977.

[FR Doc.77-21254 Filed 7-22-77;8:45 am]

# **CIVIL AERONAUTICS BOARD**

[ 14 CFR Chapter II ]

[EDR-327A; Docket 30460]

#### **CURRENCY EXCHANGE CONDITIONS**

Supplemental Advance Notice of Proposed Rulemaking

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental Advance Notice of Proposed Rulemaking.

SUMMARY: This notice extends for 30 days the filing date for comments in a rulemaking proceeding concerning the currency exchange problems of U.S. flag carriers in foreign countries. The extension was requested by the Air Transport Association (ATA).

DATES: Dated: July 19, 1977. Commented: August 21, 1977.

ADDRESSES: Comments should be sent to Docket 30460, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Docket comments may be examined at the Docket Section, Civil Aeronautics Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., as soon as received.

FOR FURTHER INFORMATION CON-TACT:

Simon J. Eilenberg, Rules Division, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202-673-5442).

SUPPLEMENTAL INFORMATION: By Advance Notice of Proposed Rulemaking EDR-327, 42 FR 28898, dated May 31, 1977, the Board stated that it had under consideration a proposal to adopt rules designed to alleviate the currency exchange problems experienced by U.S. flag carriers in certain foreign countries.

In a letter dated July 15, 1977, the counsel for ATA requested an extension of 30 days for the filing of comments in response to EDR-327. In support of the request, counsel stated that additional time is required to arrange coordination among ATA members and to submit the specific information requested by the Board.

Upon consideration of the foregoing, the undersigned finds that good cause has been shown for the granting of the requested extension. It does not appear that this extension will prejudice any party to the proceeding.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR 385.20 (d)), the time for filing of comments is extended to August 21, 1977.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.O. 1324.)

SIMON J. EILENBERG, Associate General Counsel, Rules Division.

[FR Doc.77-21370 Filed 7-22-77;8:45 am]

# DEPARTMENT OF TRANSPORTATION

**Federal Aviation Administration** 

[ 14 CFR Part 39 ]

[Docket No. 17044]

# AIRWORTHINESS DIRECTIVES

Avions Marcel Dassault-Breguet Aviation Model Falcon 10 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule mak-

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require replacement of Badin Crouzet total-pressure probes, P/N 33790-10 and impose a life limitation upon their use in service when installed on certain Avions Marcel Dassault-Breguet Aviation, Model Falcon 10 airplanes. There have been reports of failure of the internal tubing of the Badin Crouzet probes, attributed to thermal fatigue which resulted in failure of the ice-protection provisions of the air speed indicating system. As a result of such a failure the safe operation of the airplane is jeopardized in atmospheric icing conditions.

DATES: Comments must be received on. or before September 8, 1977.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Office of the Chief Counsel, Attn.: Rules Docket (AGC-24) Docket No. 17044, 800 Independence Avenue SW., Washington, D.C. 20591.

The applicable service bulletin may be obtained from: Falcon Jet Corp., Toterboro Airport, N.J. 07608. Tel. 201-288-5300.

A copy of the service bulletin is contained in the Rules Docket, Rm. 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CON-TACT:

M. E. Gaydos, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Tel. 513.38.30.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before the date specified above, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Instances have been reported of failure of the internal tubing of Badin Crouzet total-pressure probes, P/N 33790-10, of the airspeed indicating system. Such failure, which is attributed to thermal fatigue, results in loss of the ice-protection provisions of the air speed indicating system, which could jeopardize safe operation of the airplane in atmospheric icing conditions. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require replacement of the probes and would impose a life limitation upon their use in service.

#### DRAFTING INFORMATION

The principal authors of this document are M. E. Gaydos, Europe, Africa, and Middle East Region, C. Birkenholz, Flight Standards Service, and R. Burton, Office of the Chief Counsel.

#### THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Avions Marcel Dassault-Breguet Aviation (AMD-BA). Applies to Model Falcon 10 airplanes, S/N 1 through 56, certificated in all categories, and any other Model Falcon 10 airplane incorporating Badin Crouzet total-pressure probes, P/N 33790-10.

#### Compliance is required as indicated.

To prevent failure of total-pressure probe

accomplish the following:

(a) Prior to the accumulation of 600 total airplane flights or within the next 100 flights after the effective date of this AD, whichever occurs later, replace both total-pressure probes, P/N 33790-10, with new parts of the same part number, or with probes of improved design, P/N 33790-20, in accordance with paragraph 2 of Falcon 10 Service Bulletin No. Fi0.34.007, dated July 17, 1975, or an equivalent approved by the Chief, Aircraft Certification Staff for Europe, Africa, and Middle East Region, c/o American Embassy, A.P.O. New York, N.Y.

09667.
(b) Replacement probes P/N 33790-10 are hereby life limited to 600 flights.

(c) For the purpose of this AD, a flight is defined as a single takeoff and landing. If records are not maintained of each takeoff and landing, the number of flights may be determined by dividing each airplane's hours time in service by the operator's fleet average time from takeoff to landing for the airplane type, subject to acceptance by the assigned FAA airworthiness inspector.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of

Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85.)

Note.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on July 15, 1977.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.77-21257 Filed 7-22-77;8:45 am]

#### [ 14 CFR Part 135 ]

[Docket No. 17045; Notice No. 77-14]

AIR-TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

# Air Ambulance Service

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Advance notice of proposed rule making.

SUMMARY: This notice proposes regulations governing the transportation in small aircraft operated for compensation or hire of persons who may need assistance in meeting their medical needs while in flight. They are intended to provide air ambulance standards which will ensure that the medical needs of these persons are met without compromising safety.

DATE: Comments must be received on or before October 25, 1977.

ADDRESS: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn.: Rules Docket (AGC-24), Docket No. 17045, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CON-TACT:

Raymond E. Ramakis, Regulatory Projects Branch, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202–755– 8716.

### SUPPLEMENTARY INFORMATION:

#### EARLY PUBLIC PARTICIPATION

This advance notice of proposed rule-making is being issued pursuant to the FAA's policy for early institution of public proceedings in action related to rule-making. An "advance" notice is issued to invite public participation in the identification and selection of a course or alternate courses of action with respect to a particular rule-making problem.

#### COMMENTS INVITED

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number, and be

submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. Communications should be received on or before October 25, 1977, to assure proper consideration. All comments submitted will be available in the Rules Docket, both before and after the closing date for comment, for examination by interested persons. If it is determined to proceed further, after consideration of the available data and the comments received in response to this notice, a notice of proposed rule-making will be issued. A report summarizing each substantive public contact with FAA personnel concerned with this rule making will be filed in the docket.

#### AVAILABILITY OF NPRMS

Any person may obtain a copy of this advance notice of proposed rule making (ANPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the notice number of this ANPRM. Persons interested in being placed on a mailing list for future ANPRM's and NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

#### HISTORY

For the past several years, there has been a growing awareness, on the part of the DOT and on the part of Part 135 certificate holders, of the need to establish standards for air ambulance operations. In December of 1974 a DOT working group, consisting of members from the FAA, the United States Coast Guard, and the National Highway Traffic Safety Administration, was formed to develop definitive minimum standards for air ambulances. In this connection, two public meetings were held in July of 1975 to obtain public comment on a preliminary series of items for inclusion in those standards. The meetings were held at Denver, Colorado, and Washington, D.C. Careful consideration has been given to the comments received at those meetings in the preparation of this ANPRM.

#### THE PROPOSAL

It has been urged that whatever standards are adopted should be applied only to those certificate holders who hold themselves out to the public as operating "air ambulances." A member of the public with a medical problem could then choose to obtain transportation from a certificate holder operating an "air ambulance," and be assured that the certificate holder would provide him with transportation in an aircraft that contains the equipment and personnel necessary to meet his medical needs. On the other hand, this same member of the public, after determining that his medical problem will not need any specialized

attention during flight, could choose other air transportation that would not involve the additional cost that might be charged for transportation in an air ambulance.

However, the FAA believes that air ambulance standards, since they apply to the safety of passengers with specific medical needs and to the safe operation of the aircraft, should apply to the carriage of these persons by any Part 135 certificate holder, regardless of whether the aircraft used is characterized as an "air ambulance." This is predicated not only on the personal safety of the person being carried, but also on the risk of inflight emergencies that could occur if the aircraft does not have proper medical equipment and personnel. For this reason the requirements proposed herein would apply to all certificate holders.

The FAA believes that those operators who regularly provide emergency medical transportation, and hold themselves out to the public as prepared to provide this service, have the time to prepare and should be required to have proper medical equipment and staffing for medical emergencies. Under the proposed regulations these certificate holders would be designated "rescue air ambulance operators."

The phrase "holding out to the public," as it would be applied to rescue air ambulance operators, would be given the same meaning as it has been given with respect to the question of when a person is involved in common carriage. In other words, a certificate holder providing emergency medical transportation would not be able to avoid compliance with the proposed standards simply by not advertising. Establishment of a reputation for, or communication by word-of-mouth of, a willingness to provide rescue air ambulance service could be sufficient to establish the certificate holder as a rescue air ambulance operator.

#### GENERAL REQUIREMENTS

For the purpose of the rules proposed herein, a patient would be defined as a person who is sick, injured, wounded, or otherwise incapacitated or helpless. No certificate holder would be allowed to carry a patient unless that certificate holder meets the general requirements of proposed § 135.285. Under paragraphs (a) and (b) of this section certain equipment requirements would apply regardless of the patient's individual need. Other equipment, such as a ventilation unit or a demand-type resuscitator, would be required by paragraph (c) only if it were needed to meet an anticipated need of the patient.

#### INTENSIVE CARE

With respect to the transportation of patients who are in constant need of special medical attention, a certificate holder would not be allowed to carry a patient who is expected to need intensive care or life-support measures while aboard the aircraft without meeting the additional requirements of pro-

posed § 135.287. In addition to the equipment required by proposed § 135.-285 (a) and (b), these "intensive care air ambulance operators" would be required to have all of the equipment required by § 135.285(c), since these patients should not be carried without this equipment being immediately available in flight. In addition, each intensive care patient would have to have at least one medical attendant assigned to him and to no other patient.

#### RESCUE AIR AMBULANCE SERVICE

Air ambulance operators who hold themselves out to the public as being able to provide air ambulance service to meet a medical emergency would be required, under proposed § 135.289, to carry an auxiliary medical oxygen unit and a poison kit. In addition, the "rescue air ambulance operator" would have to have certain equipment appropriate for emergency or rescue operations readily available for carriage in his aircraft and would be required to carry it when he knows or has reason to know that it is necessary to meet the anticipated needs of the patient. He would also be required to have at least one medical attendant aboard the aircraft.

#### MEDICAL PERSONNEL

Each certificate holder providing intensive care air ambulance service would be required to have a physician available, either in person or by telephone or radio communication, to advise him with regard to the transportation of patients. Moreover, a certificate holder would not be allowed to carry a patient who might need a medical attendant during flight unless there would be enough medical attendants aboard to provide for his needs and the needs of all other patients needing an attendant.

For the purposes of proposed Subpart J "medical attendant" would be defined to mean a physician, registered nurse, registered physician's assistant or a person registered by the National Registry of Emergency Medical Technicians or certified by a State, territory or possession of the United States as meeting standards acceptable to the Administrator. The FAA is considering issuing an Advisory Circular that would describe acceptable standards for the qualification of medical attendants. Each medical attendant would be required by proposed § 135.293 to have received appropriate training within the preceding 12 calendar months. This same section would prescribe standards for training.

# MEDICAL OXYGEN

Standards are also proposed for medical oxygen units used by certificate holders. In addition to an appropriate humidification attachment, each unit would have to be capable of manual control with an appropriate flow gauge, so that proper flow can be maintained regardless of the aircraft's altitude. Units provided to meet a patient's specific need would have to have an adequate supply of medical oxygen. Auxiliary units would have to contain enough

medical oxygen to operate for at least 20 minutes at a flow rate of 10 liters per minute.

#### EMERGENCY MEDICAL KIT

Each aircraft carrying a patient would be required to contain a basic emergency medical care kit, to assist in meeting any anticipated inflight medical emergency involving the patient. The contents of this kit would be specified in a new Appendix B to Part 135.

#### LITTER PATIENT

A specific section would be adopted regarding litter patients. A certificate holder would not be allowed to carry a patient who must be carried on a litter unless certain loading and positioning requirements could be met. The patient would have to be carried in a horizontal position that would not interfere with the performance of any duty by any flight crewmember or medical attendant or prevent access to the patient's upper body. Under this requirement the patient could not be carried so as to obstruct a pilot's vision or prevent access to controls or equipment.

#### AIRCRAFT AND EQUIPMENT

Carriage and maintenance requirements would also be adopted for the equipment to be carried in accordance with the proposed new Subpart J. Cleaning and disinfecting requirements for equipment and items such as linens and blankets that come in contact with the patient are proposed in § 135.303. Proposed § 135.301 provides for the secure stowage of these items.

Under proposed Subpart J, no aircraft could be used to carry a patient unless it has adequate lighting for patient care and has adequate electrical power available to operate the medical equipment carried, in addition to the electrical power needed for operation of the aircraft.

# PROCEDURES MANUAL

In order to ensure that each person to whom a certificate holder assigns responsibilities under proposed Subpart J is aware of those responsibilities, the operator would be required to prepare and keep current a manual that contains procedures for ensuring the proper handling of patients, the responsibilities of flight crewmembers to patients, and any appropriate emergency procedures. The manual would have to contain a list of each person assigned responsibilities under Subpart J, and the appropriate portions of the manual would have to be made available to each of those persons. This manual could be contained in the manual required by \$135.27(a), for those certificate holders required to have that manual.

#### DEVIATION IN EMERGENCY

Finally, proposed § 135.309 would provide for deviation from the rules of proposed Subpart J in a medical emergency when no other practical means of transportation (including any other properly equipped certificate holder) is reasonably available, to the extent necessary

quirement the same as that provided in § 135.7(c) would also be adopted.

Part 135 does not presently apply to rescue operations, which are specifically excluded by § 135.1(b) (4) (v). To be consistent with the proposed requirements rescue air ambulance service, § 135.1(b) (4) (v) would be revised to exclude from Part 135 rescue operations other than rescue air ambulance service.

#### SPECIFIC QUESTIONS

The FAA solicits the views of all interested persons concerning the establishment of standards for air ambulance operations and the specific regulations proposed in this notice. In accordance with the Department of Transportation regulatory reform policy, the FAA is particularly interested in receiving comments that will assist it in analyzing these proposals with particular consideration of their costs, benefits and other impacts on Part 135 certificate holders, on consumers, on the medical community, on State and local governments, and on other Federal agencies. Comments are requested on the impact of the proposed regulations on following:

- 1. Estimated capital investment costs, other than aircraft, including:
- (a) Cost per aircraft of purchasing new required equipment.
- (b) Cost per aircraft of leasing new required equipment.
- (c) Cost per aircraft of installing new
- required equipment. (d) Loss of earnings per aircraft due to aircraft downtime for equipment
- installation. (e) Total fleet capital investment costs.
- (f) Any other costs related to capital investment.
- 2. Maintenance costs, other than for aircraft, including:
- (a) Cost per unit of operation of maintenance of medical equipment and supplies.
  - (b) Other (specify).
  - 3. Administrative costs, including:
- (a) Costs of processing orders for new or leased medical equipment and sup-
- (b) Other specific administrative costs that compliance with these proposals would necessitate.
- 4. Consumer-costs, including:
- (a) Current costs to consumer per air ambulance nautical mile.
- (b) Estimated costs to consumer per air ambulance nautical mile that would be necessitated by these proposals.
  - 5. Social benefits, including:
- (a) Degree of comfort and care that compliance with the proposed rules would afford those persons requiring air ambulance service.
- (b) Other specific benefits to the pub-

The FAA is also interested in comments regarding any other impact that these proposed rules may have.

During the course of the meetings held in Denver and Washington in July of

to meet the emergency. A reporting re- .1975 the question was posed as to the FAA's authority under the Federal Aviation Act of 1958 to engage in rule making regarding air ambulance activities. While the FAA is satisfied that it has adequate statutory authority for the proposed regulations, public comment is nevertheless invited on this question.

In addition, the FAA would like to receive comments on the following:

- 1. The number, make, and model of aircraft that would be operated as air ambulances under the proposed rules.

  2. The applicability of the proposed
- rules, as specified in proposed § 135.283.
- 3. Adequacy of definitions contained in this notice.
- 4. Any other items in this notice that should also be defined.

#### DRAFTING INFORMATION

The principal authors of this document are Frank M. Jamison, Jr., and Bernard A. Geier, Flight Standards Service, and Donald P. Byrne, Office of the Chief Counsel.

#### THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend Part 135 of the Federal Aviation Regulations (14 CFR Part 135) as follows

1. By amending § 135.1 by revising paragraph (b) (4) (v) to read as follows:

§ 135.1 Applicability.

- (b) This part does not apply to-
- (4) Aerial work operations, including-
- (v) Rescue operations other than rescue air ambulance service provided by a rescue air ambulance operator as defined in 135.283(b)(4).
- 2. By adding a new Subpart J to read as follows:

# Subpart J-Air Ambulance Service § 135.283 Applicability.

- (a) This subpart prescribes operating rules, in addition to those prescribed in other subparts of this part, governing the transportation of patients.
- (b) As used in this subpart:
  (1) "Air ambulance service" means transportation by air that is specifically designed to accommodate the medical
- needs of a patient.
  (2) "Intensive care air ambulance service" means air ambulance service provided to a patient who is expected to need intensive care or life-support measures while aboard the aircraft in which
- he is being carried.
  (3) "Rescue air ambulance service" means air ambulance service provided to
- meet a medical emergency.

  (4) "Rescue air ambulance operator" means an air ambulance operator who holds himself out to the public as able to provide rescue air ambulance service.
- (5) "Patient" means a person who is sick, injured, wounded, or otherwise incapacitated or helpless.

(6) "Medical attendant" means a physician, registered nurse, registered physician's assistant, or a person either registered by the National Registry of Emergency Medical Technicians or certifled by a State, territory, or possession of the United States as meeting standards acceptable to the Administrator.
(7) "Litter" means any device for the

transportation of a passenger in a hori-

zontal position.

# § 135.285 Air ambulance service.

No certificate holder may carry any patient unless the aircraft in which the patient is carried contains at least the following:

(a) Regardless of the number of passengers carried:

(1) Two plastic trash bags with a capacity of not less than 20 gallons.

- (2) One flashlight using two "D" batteries, or the equivalent, with two spare batteries, in addition to the flashlight required by § 135.153.
  - (3) Six disposable face masks.
  - (b) For each patient:
  - (1) One blanket.
- (2) One pillow with a cover impervious to moisture.
- (c) For each patient, when the certificate holder knows, or has reason to know, that it is necessary to meet an anticipated need of that patient:
- (1) One litter with approved restraints.
- (2) One locking hook for each intra-venous fluid container anticipated to be used simultaneously.
- (3) One hand-operated bag mask ventilation unit or demand-type resuscitator, with a mask appropriate to the user, that can be used in conjunction with any medical oxygen system required by this section.
  - (4) One emesis basin.
  - (5) One urinal.
  - (6) One bedpan.
- (7) One blood pressure manometer, cuif, and stethoscope or equivalent equip-
- (8) A medical oxygen unit and auxiliary medical oxygen unit that meet the requirements of § 135.295, with a mask appropriate to the user.
  - (9) One portable suction unit.
- § 135.287 Intensive care air ambulance service.

No certificate holder may carry any patient who he knows, or has reason to know, is expected to need intensive care or life-support measures while aboard the aircraft unless the aircraft in which he is carried-

- (a) Contains the items listed in § 135.-285 (a) and (b) and all of the equipment listed in § 135.285(c); and
- (b) Has aboard a medical attendant assigned to that patient only.
- § 135.289 Rescue air ambulance service.

No rescue air ambulance operator may provide rescue air ambulance service to a patient unless

(a) The aircraft in which the patient is carried contains at least-

(1) The items listed in § 135.285 (a), (b), and (c) (1) through (7);
(2) An auxiliary medical oxygen unit

that meets the requirements of § 135.295;

(3) A poison kit; and(4) Each item listed in paragraph (b) of this section when the operator knows, or has reason to know, that it is necessary to meet the anticipated needs of the patient.

(b) The operator has readily available for carriage in the aircraft at least-

(1) One sterile obstetrical kit;

(2) Two padded boards, four and onehalf feet long and three feet wide;

(3) Two padded boards, three feet long, of material comparable to four-ply wood, suitable for coaptation splinting of the leg or thigh;

(4) Two padded wooden, cardboard, plastic, or wire-ladder splints, fifteen by three inches, suitable for splinting the forearm:

(5) One adult-size and one child-size backboard, with appropriate accessories;
(6) One 43-inch long traction splint

for a lower extremity with a hinged halfring nine inches in diameter, commercial 'limb support slings, padded ankle hitch, and traction strap; and

(7) Two sterile burn sheets.
(c) There is at least one medical attendant aboard the aircraft.

### § 135.291 Physician.

No certificate holder may provide intensive care air ambulance service unless a physician is available, either in person or by telephone or radio communication, to advise the certificate holder with regard to the transportation of the patient.

#### § 135.293 Medical attendants.

(a) No certificate holder may carry any patient who he knows, or has reason to know, may need the care of one or more medical attendants while aboard the aircraft unless a sufficient number of medical attendants are aboard to provide adequate care for all the patients who may need it.

(b) No certificate holder may use any person, nor may any person serve, as a required medical attendant unless within the preceding 12 calendar months that person has received training in the fol-

lowing subjects:

Attendant responsibilities.
 Airway obstruction, pulmonary

arrest, and resuscitation.

(3) Cardiac arrest and cardiopulmonary resuscitation.

(4) Bleeding and shock.

(5) Wound care.

(6) · Fractures of the upper extremities.

(7) Fractures of the lower extremities. (8) Injuries of the head, face, neck,

and spine. (9) Injuries of the eye, chest, abdo-

men, pelvis, and genitalia. (10) Childbirth and care of newborn

infants. (11) Lifting and moving patients.

(12) Environmental emergencies, including altitude and temperature changes.

§ 135.295 Medical oxygen.

(a) Each medical oxygen unit required by this subpart must-

(1) Be capable of being manually controlled;

(2) Have an appropriate flow gauge; and

(3) Have an appropriate attachment for humidification.

(b) Each medical oxygen unit required by this subpart to meet the anticipated need of a patient must contain a quantity of oxygen sufficent to supply the patient at the appropriate flow rate for the period of time it is anticipated oxygen will be needed, but not less than 10 liters per minute for 20 minutes.

(c) Each auxiliary medical oxygen unit required by this subpart must—

(1) Meet the requirements of paragraph (a) of this section; and

(2) Contain a quantity of oxygen sufficient to supply a patient at flow rate of not less than 10 liters per minute for 20 minutes.

#### § 135.297 Emergency medical care kit.

No certificate holder may carry any patient unless the aircraft is equipped at the time of initial departures with an emergency medical care kit that meets the specifications and requirements of Appendix B. If any of the contents of the kit are used en route, the certificate holder may continue to carry patients until such time as it is practicable to replenish the contents of the kit.

# § 135.299 Litter patients.

No certificate holder may carry any patient who must be carried in a litter unless the litter-

(a) Can be loaded through the aircraft door without rotating it more than 30 degrees about the longitudinal axis or 45 degrees about the lateral axis;

(b) Can be carried in a horizontal position:

(c) Is located so that the upper surface of the litter is not less than 30 inches from the ceiling of the aircraft and not less than 30 inches from the under surface of any other litter;

(d) Is located so as not to obstruct the pilot's vision or interfere with the performance of any duty by a flight crewmember or medical attendant; and

(e) Is located so as to provide access to the patient's upper body.

# § 135.301 Carriage of medical equip-

No certificate holder may carry any patient unless all medical equipment in the aircraft is carried in an approved rack, bin, or compartment or is otherwise secured by an approved means.

#### § 135.303 Maintenance of medical equipment and supplies.

No certificate holder may use any medical equipment or supplies unless they are maintained as follows:

(a) Each piece of linen and each blanket used for a patient must be clean.

(b) Each piece of equipment coming in contact with a patient must have been properly washed and disinfected before being used by the patient.

(c) Each stretcher pad, mattress, and pillow must be impervious to moisture or entirely covered with an impervious cover.

(d) Each cover for any pad, mattress, and pillow, and each pad, mattress, and pillow, if used without a cover, must have been cleaned and disinfected after being soiled by any patient.

#### § 135.305 Aircraft requirements.

No certificate holder may operate an aircraft in operations under this subpart unless-

(a) The aircraft is equipped with interior lighting adequate for patient care under all anticipated circumstances: and

(b) Adequate electrical power is available for each piece of medical equipment. in addition to the electrical power needed for the operation of the aircraft under all anticipated circumstances.

# § 135.307 Manual requirement.

(a) No certificate holder may carry any patient unless it has a current manual that contains

(1) The identity of each person as-signed responsibilities in operations under this subpart, including responsibility for required medical equipment;

(2) Procedures for ensuring the prop-

er handling of patients;

(3) Responsibilities of flight crewmembers to patients; and

(4) Appropriate emergency procedures regarding operations under this subpart.

(b) The appropriate portions of the manual containing the information required by paragraph (a) of this section shall be made available to each person assigned responsibilities under this subpart.

(c) The manual required by this section may be contained in the manual required by § 135.27(a), for certificate holders required to have that manual.

# § 135.309 Medical emergencies.

(a) In a medical emergency, when no other practical means of transportation (including any other properly equipped certificate holder) is reasonably available, a certificate holder may deviate, to the extent necessary to meet the medical emergency, from the rules of this sub-

(b) Each certificate holder who, under the authority of this section, deviates from a rule of this subpart shall, within 10 days after the deviation, send to the certificate holding FAA Flight Standards District Office a complete report of the operation involved. Including a description of the deviation and the reasons for

3. By adding a new Appendix B to Part 135 to read as follows:

APPENDIX B-EMERGENCY MEDICAL CARE KIT

The emergency medical care kit required by § 135.297 must meet the following requirements:

#### PROPOSED RULES

| Contents:                                    | Quantity |
|--|----------|
| Large gauze dressing                         | 2        |
| Sterile gauze pad                            |          |
| Nonsterile gauze pad                         | 12       |
| Adhesive tape, 1-in standard roll            | 2        |
| Adhesive tape, 2-in standard roll            | 2        |
| Adhesive tape, 3-in standard roll.           | 2        |
| Mouth gag                                    | 2        |
| Bandage scissors                             | 1        |
| Triangle bandage (cravat)                    | 2        |
| Oropharyngeal airway, adult-size_            | 1        |
| Oropharyngeal airway, child-size_            | 1        |
| Soft-roller self-adhering banda              | ge       |
| standard roll                                |          |
| Eve cover                                    | _        |
| Constricting bands                           |          |
| Waterless towelettes                         |          |
| Tongue depressers                            | :-       |
| Tongue depressers                            |          |
| Ammonia inhalantsSterile nonporous dressings | ^ 4      |
| Sterne nonporous dressings                   |          |

(Secs. 313(a), 601, and 604, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1424); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Note.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on July 18, 1977.

J. A. FERRARESE, Acting Director, Flight Standards Service.

[FR Doc.77-21261 Filed 7-22-77;8:45 am]

# FEDERAL TRADE COMMISSION

[ 16 CFR Part 13 ]

[Docket No. 8910]

#### STANDARD OIL CO. (OHIO)

Consent Agreement With Analysis To Aid Public Comment

# Correction

In FR Doc. 77-20328 appearing a page 36480 in the issue for Friday, July 15, 1977, add the following line to the bottom of the third column on page 36481: "\* \* \* request Sohio to notify him whether or not \* \* \*".

# DEPARTMENT OF THE TREASURY

Internal Revenue Service

[ 26 CFR Part 1 ]

[LR-7-73]

### INVESTMENT CREDIT

Withdrawal of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This document withdraws the notice of proposed rulemaking relating to investment credit that appeared in the FEDERAL REGISTER on March 17, 1976 (41 FR 11175). The notice is being withdrawn because it does not reflect provisions of new legislation.

FOR FURTHER INFORMATION CONTACT:

Lawrence M. Axelrod of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Serv-

ice, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-4454) (not a toll-free call).

# SUPPLEMENTARY INFORMATION:

#### BACKGROUND

This document withdraws the notice of proposed rulemaking that appeared in the Federal Register on March 17, 1976 (41 FR 11175). That notice proposed amendments to the regulations under section 46, section 47, and section 48 of the Internal Revenue Code of 1954. The amendments would have provided rules for the determination of useful life for purposes of computing investment credit for property depreciated by a method which does not measure the useful life of the property in years and would have revised the rules relating to investment credit for motion picture and television films and tapes.

The Tax Reform Act of 1976 made significant changes in the treatment of films and tapes for purposes of the investment credit. The notice being withdrawn was issued prior to the enactment of the Tax Reform Act and therefore does not reflect the provisions of the new law. The Service anticipates issuing a new notice of proposed rulemaking to reflect changes in investment credit made by the Tax Reform Act of 1976.

#### DRAFTING INFORMATION

The principal author of this document was Lawrence M. Axelrod of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing this document, both in matters of substance and style.

The proposed amendments to 26 CFR Part 1 relating to investment credit published in the FEDERAL REGISTER (41 FR 11175) on March 17, 1976, are hereby withdrawn.

S. B. Wolfe,
Acting Commissioner of
Internal Revenue.

Approved: July 18, 1977.

LAURENCE N. WOODWORTH,
Assistant Secretary
of the Treasury.

[FR Doc.77-21336 Filed 7-22-77;8:45 am]

# DEPARTMENT OF DEFENSE

Department of the Air Force
[ 32 CFR Part 806b ]
[AF Reg. 12–35]
PRIVACY ACT OF 1974
Exemption

Correction

In FR Doc. 77-18798 appearing in the issue for Friday, July 1, 1977, on page 33776, in the 2nd column, § 806.58(m) (3), the 1st sentence should read, "(3) Reasons. The release of information used-to determine suitability, eligibility, or qualification for Federal Military Service would cause the identity of a confidential source to be revealed.".

# ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 766-2]

# APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to the Trinity County Air Pollution Control District's Rules and Regulations in the State of California

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Trinity County Air Pollution Control District (APCD) has adopted changes to rules concerning the monitoring of stationary sources of air pollution. The intended effect of these rules is to ascertain the extent of compliance with other APCD rules. The revisions have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board as revisions to the California State Implementation Plan (SIP). The EPA invites public comments on these rules, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted up to August 24, 1977.

ADDRESS: Send comments to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Programs Branch, California SIP Section, EPA, Region IX, 100 California Street, San Francisco, Calif. 94111.

FOR FURTHER INFORMATION CONTACT:

Frank M. Covington, Director, Air & Hazardous Materials Division, Environmental Protection Agency, 100 California Street, San Francisco, Calif. 94111. Attn: David R. Souten, 415–556–7288.

SUPPLEMENTARY INFORMATION: The November 10, 1976 submittal included the following revised rules: Rule 240(d)—Compliance Verification, and Rule 240(e)—Mandatory Monitoring Requirements.

Under Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as an SIP revision.

The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested persons may-participate by submitting written comments to the Region IX Office. Relevant comments received on or before August 24, 1977, will be considered. Comments received will be available for public inspection at the Region IX Office and the EPA Public Information Reference Unit.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Trinity County Air Pollution Control District, 400 Barbara Avenue, Weaverville, Calif. 96093.

California Air Resources Board, 1709 11th Street, Sacramento, Calif. 95814. Environmental Protection Agency, Region

Environmental Protection Agency, Region IX, 100 California Street, San Francisco, Calif. 94111.

Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street SW., Washington, D.C. 20460.

(Secs. 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 1857c-5).)

Dated: July 1, 1977.

PAUL DE FALCO, JR., Regional Administrator.

[FR Doc.77-21229 Filed 7-22-77:8:45 am]

# [ 40 CFR Part 52 ]

[FRL 766-4]

# APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This proposal announces receipt of a request from New York State to revise its State Implementation Plan so as to include in this plan a recently amended section of the State's Environmental Conservation Law and a section of its regulations. The unamended law and the regulatory section were previously disapproved by EPA because they did not, when read together, provide adequate legal authority to ensure for the public availability of air pollutant emission data. Public availability of data is required by Environmental Protection Agency regulations.

DATES: Comments must be received on or before August 24, 1977.

ADDRESSEES: All comments should be addressed to:

Gerald M. Hansler, P.E., Regional Administrator, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York

Copies of the proposal are available for public inspection during normal business hours at:

U.S. Environmental Protection Agency, Air Programs Branch, Room 908, Region II Office, 26 Federal Plaza, New York, New York 10007.

New York State Department of Environmental Conservation, Division of Air Resources, 50 Wolf Road, Albany, New York 12233.

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Warren Llewellyn, Office of Regional Counsel, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10007 (212–264–4299). SUPPLEMENTAL INFORMATION: The State submittal, dated February 14, 1977, consists of section 19-0305(2)(a) of New York States' Environmental Conservation Law (ECL) as amended by Chapter 760, McKinney's 1975 Session Laws of New York, and also an opinion, dated January 27, 1977, by the Honorable Louis J. Lefkowitz, Attorney General of the State of New York, interpreting the amended ECL § 19-0305(2)(a). This opinion states that the amended statute unambiguously provides for the public availability of emission data and that a claim of confidentiality can not be utilized to withhold such emission data. The opinion further states that 6 NYCRR 200.2, when read in conjunction with the amended statute, similarly protects the public's access to emission data.

A preliminary review by the EPA Regional Office of the State submittal indicates that the amended ECL § 19-0305 (2) (a) and the present 6 NYCRR 200.2 adequately provide for public availability of emission data as required under 40 CFR 51.10(e). Consequently, EPA expects to approve the proposed plan revision and to revoke 40 CFR 52.1685(a), (b).

This Federal regulation was promulgated by EPA on September 26, 1974 (39 FR 34537) and amended on November 28, 1975 (40 FR 55332). These two actions had the effect of disapproving the New York regulation pertaining to public access to emission data (6 NYCRR 200.2) and of promulgating a substitute Federal regulation to correct the deficiency in the SIP that resulted from such disapproval. By revoking 40 CFR 52.1685(a), EPA will be rescinding its earlier disapproval of 6 NYCRR 200.2 and, consequently, 40 CFR 52.1685(b), the substitute Federal regulation, will no longer be necessary.

The preliminary review by the Regional Office also indicates that the amended ECL § 19-0305(2) (a) gives the State adequate legal authority to make emission data available to the public as required under 40 CFR 51.11(a) (6). Consequently, EPA expects to approve inclusion of the amended ECL as part of the SIP and to revoke 40 CFR 52.1686(a). This regulation, promulgated by EPA on September 26, 1974 (39 FR 34537), had disapproved the then existing version of ECL § 19-0305(2) (a).

This notice is issued as required by Section 110 of the Clean Air Act, as amended, to advise the public that comments may be submitted as to whether the proposed revision to the New York State Implementation Plan should be approved or disapproved. The Administrator's decision regarding approval or disapproval of this proposed plan revision will be based on whether it meets the requirements of Section 110(a)(2)(A)-(H) of the Clean Air Act and EPA regulations in 40 CFR Part 51.

Dated: July 6, 1977.

G. M. HANSLER,
Regional Administrator,
Environmental Protection Agency.
[FR Doc.77-21364 Filed 7-22-77;8:45 am]

# DEPARTMENT OF TRANSPORTATION

**Coast Guard** 

[46 CFR Parts 32, 33, 35, 37, 72, 75, 77, 78, 79, 92, 94, 96, 97, 99, 100–139, 190, 192, 195, 196]

[CGO 74-125]

# **ELECTRICAL ENGINEERING**

Revision to Subchapter J

AGENCY: Coast Guard, DOT.

ACTION: Announcement of the availability of complete copies of proposed rules.

SUMMARY: In FR Doc. 77-18086 that appeared on pages 32700 through 32743 in the issue of Monday, June 27, 1977, a mistake in the binding of Federal Recister Vol. 42, No. 123, has been noted and there exists the possibility that pages 32704 through 32736 are missing in some copies. This notice announces where complete copies may be obtained.

ADDRESSES: Any person not having these pages may obtain a copy from the nearest Coast Guard Marine Inspection Office or from the Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590.

FOR FURTHER INFORMATION CON-TACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTAL INFORMATION: It should also be noted that the comment period has been extended to September 12 1977, by a notice contained in the Monday, July 18, 1977 issue of the Federal Register at page 36845.

O. W. SILER, Admiral, U.S. Coast Guard Commandant.

JULY 21, 1977.

[FR Doc.77-21433 Filed 7-22-77;8:45 am]

# FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 15 ]

[Docket No. 20990; RM-1617, 2152, 2223]

# REMOTE CONTROL AND SECURITY DEVICES

Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Extension of time.

SUMMARY: An extension of time in which to file reply comments has been requested in Docket No. 20990. Because of the importance of this proceeding to both the manufacturers and consumers, the Commission is granting a sixty (60) day extension.

DATES: Reply comments must be received by September 28, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Leslie A. Wall, RF Devices and Experimental Branch, Office of Chief Engineer (202–632–7095).

## SUPPLEMENTARY INFORMATION:

In the matter of Amendment of Part 15 of FCC Rules to provide for remote control and security devices (Docket No. 20990, RM-1617, RM-2152, RM-2223).

Adopted: July 15, 1977.

Released: July 20, 1977.

1. The Security Equipment Industry Association (SEIA) has requested an extension of time within which to file reply comments in the above-captioned proceeding (42 FR 15442; March 22, 1977). The presently specified date for filing reply comments is July 28, 1977, and SEIA has requested an extension of sixty (60) days to September 28, 1977.

2. SEIA states that it is not possible to submit meaningful reply comments within the period available (before July 28, 1977). For one, because of the administrative handling required, there is an inherent delay before the comments filed in the proceeding are made available for evaluation. Secondly, SEIA's members are widely dispersed. Distributing comments of other parties and getting feed back from SEIA members to develop a coordinated SEIA position is a slow, time consuming procedure that cannot be completed within the thirty days provided.

3. Because of the importance of this proceeding to both the manufacturers and the consumers; and because of the Commission's desire to have the most definitive responses possible, an extension of time to September 28, 1977, for filing or reply comments is hereby ordered pursuant to the authority granted by Section 0.241(d) of the Commission's Rules.

RAYMOND E. Spence, Chief Engineer.

[FR Doc.77-21306 Filed 7-22-77; 8:45 am]

# DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Parts 567, 568] [Docket No. 75-28; Notice 4]

# MOTOR VEHICLE SAFETY REGULATIONS

Certification by Intermediate Manufacturers of Multistage Vehicles

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Proposed rule.

SUMMARY: This proposal would amend the regulation that specifies how truck manufacturers meet their statutory responsibility to certify compliance of vehicles with Federal motor vehicle safety standards. Some trucks are constructed in three or more separate stages, and then make a three-part certification, to

the regulations will soon require that the first and the final manufacturers certify compliance to the degree their work affects the vehicle. This proposal would include "intermediate stage" manufacturers in the certification scheme and would complete revision of the regulations required by Rex Chainbelt v. Brinegar, 511 F.2d 1215 (7th Cir. 1975).

DATES: Comments due September 23, 1977. Proposed effective date July 2, 1978. ADDRESS: Comments should refer to the docket number and be submitted to: Docket Section, Room 5108, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

David Fay, Motor Vehicle Programs, National Highway Traffic Safety Administration, Washington, D.C. 20590. (202-426-2817.)

SUPPLEMENTARY INFORMATION: This notice proposes amendment of 49 CFR Part 567, Certification, to add a labeling requirement for intermediate manufacturers who perform work on chassis-cabs. Conforming amendments to 49 CFR Part 568, Vehicles Manufactured in Two or More Stages, are also proposed.

An intermediate manufacturer is presently required by 49 CFR § 568.5 to pass along the incomplete vehicle document that he receives from the incomplete vehicle manufacturer or a prior intermediate manufacturer. If the work that he performs on the incomplete vehicle affects the validity of any of the statements in that document, he is required to furnish an addendum to the document. The addendum contains his name and mailing address, and an indication of all changes that should be made in the document to reflect changes that he made in the vehicle.

By separate notice issued today (42 FR 37814) (Notice 3), the National Highway Traffic Safety Administration has established a new scheme for the certification of multi-stage vehicles that are manufactured from chassis-cabs, in accordance with the decision in Rex Chainbelt v. Brinegar, 411 F2d. 1215. (7th Cir. 1975). Under that scheme, a chassis-cab manufacturer will affix a label to his product, with a three-part certification statement. This certification is made by dividing the safety standards that will be applicable to the completed vehicle into three categories. The standards in the first category are those to which the chassis-cab conforms. In the second category are those to which conformity is substantially affected by both the design of the chassis-cab and the manner in which the vehicle is completed. For standards in this category, the incomplete vehicle document contains/completion instructions. In the third category are those standards to which conformity is not substantially affected by the design of the chassis-cab. The final-stage manufacturer who uses the chassis-cab will

the extent that the three parts are applicable, corresponding to the chassiscab manufacturer's three-part certification.

Because the above-described scheme makes no provision for intermediate manufacturers whose work may affect the conformity status of a chassis-cab before the final-stage manufacturer begins his work, this notice proposes certification requirements for intermediate manufacturers. The new requirements would apply only with respect to those incomplete vehicles that are delivered to intermediate manufacturers as chassis-cabs. Further, an intermediate manufacturer would be required to affix a certification label to a chassis-cab only if he is already required by 49 CFR § 568.5 to furnish an addendum to the incomplete vehicle document accompanying the chassis-cab.

At the conclusion of an intermediate manufacturer's modifications of a chassis-cab, the safety standards can once again be divided into the categories described above. The intermediate manufacturer's label, described in paragraph (b) of § 567.5, would include his name, the month and year in which he concluded his manufacturing operations on the chassis-cab, and the statements described in paragraphs (b) (1) (A), (b) (1) (B), (b) (2), and (b) (3), to the extent that they are applicable. The paragraph (b) (1) (A) and (b) (1) (B) statements would cover standards that he has "shifted" into the first category from another category. The paragraph (b) (2) statement would cover standards that he has shifted into the second category. It would also cover standards that remain in the second category from their previous certification but that nevertheless need amended completion instructions. The paragrah (b) (3) statement would cover standards that he has shifted into the third category.

More specifically, for the standards to which the intermediate manufacturer has created conformity by following the instructions found in the incomplete vehicle document that he received, he would make the paragraph (b) (1) (A) certification statement: "With respect to Standard Nos. ....., the instructions of prior manufacturers have been followed so that the chassis-cab now conforms to these standards." In this manner, he would actuate the conditional certification that had been made by the chassis-cab manufacturer or, pursuant to paragraph (b) (2), by a prior intermediate manufacturer.

For the other standards to which the intermediate manufacturer has created conformity, he would make the paragraph (b) (1) (B) certification: "This chassis-cab conforms to Federal Motor Vehicle Safety Standard Nos. \_\_\_\_\_." This statement, identical with chassis-cab manufacturers' certifications of standards in the first category, is an original certification of conformity. Listed in it would be standards previously in the second category, to which the intermediate manufacturer has created conformity in a manner of

his own, rather than by following the instructions found in the incomplete vehicle document. Standards previously included in the third category (conformity not substantially affected by chassis-cab design) could also be listed in this statement.

intermediate manufacturer's The paragraph (b) (2) statement would be: This vehicle will conform to Standard Nos. \_\_\_\_\_ if it is completed in accordance with the instructions contained in the amended incomplete vehicle document furnished pursuant to 49 CFR Part 568." This is a conditional certification, much like the chassis-cab manufacturer's certification of standards in the second category. It would be used by the intermediate manufacturer for standards which he has shifted from the first or third category into the second. It would also be used for standards, already in the second category when he received the chassis-cab, for which he has amended the completion instructions.

paragraph (b) (3) statement be: "Conformity to Standard --- is no longer substantially The would be: Nos. \_. affected by the design of this chassiscab." The intermediate manufacturer would make this statement for standards that he has shifted from the first and second categories into the third. Manufacturers should note that this statement includes a factual element, precluding its use in certain situations. This subject has already been discussed in Notice 3.

In consideration of the foregoing, it. is proposed that the following amendments be made in Chapter V of Title 49, Code of Federal Regulations.

1. In Part 568, Vehicles Manufactured in Two or More States, § 568.5 would be amended to read:

### § 568.5 Requirements for intermediate manufacturers.

- (a) Each intermediate manufacturer of an incomplete vehicle shall furnish the document required by § 568.4 of this part, in the manner specified in that section. If any of the changes in the vehicle made by the intermediate manufacturer affect the validity of the statements in the document as provided to him he shall furnish an addendum to the document that contains his name and mailing address and an indication of all changes that should be made in the document to reflect changes that he made in the vehicle.
- (b) Each intermediate manufacturer shall, in accordance with § 567.5 of this chapter, affix a label to each chassiscab respecting which he is required by paragraph (a) above to furnish an addendum to the document required by § 568.4 of this part.
- 2. In Part 567, Certification, § 567.5 would be revised by adding a new paragraph (b) and amending paragraphs (c) (7) (i) and (c) (7) (ii) to read:
- § 567.5 Requirements for manufacturers of vehicles manufactured in two or more stages.

(b) Except as provided in paragraphs (e) and (f) of this section, each intermediate manufacturer of a vehicle manufactured in two or more stages shall affix a label, in the location and form specified in § 567.4, to each chassis-cab respecting which he is required by § 568.5 of this chapter to furnish an addendum to the incomplete vehicle document described in § 568.4 of this chapter. However, this paragraph applies only to chassis-cabs that have been certified by a chassis-cab manufacturer in accordance with paragraph (a) of this section.

(1) (A) "With respect to Standard Nos. .\_\_\_, the instructions of prior manufacturers have been followed so that the chassis-cab now conforms to these standards." The statement shall be completed by inserting the numbers of all or less than all of the standards, and only those standards, respecting which the latest prior certification statement was in the form prescribed in para-

graph (a) (2) or (b) (2).
(B) "This chassis-cab conforms to Federal Motor Vehicle Safety Standard Nos. \_\_\_\_\_." The statement shall be completed by inserting the numbers of the other standards to which the chassiscab conforms, excluding those standards respecting which the latest prior certification statement was in the form prescribed in paragraph (a) (1), (b) (1) (A),

or this paragraph.
(2) "This vehicle will conform to Standard Nos. \_\_\_\_\_ if it is completed in accordance with the instructions contained in the amended incomplete vehicle document furnished pursuant to 49 CFR Part 568." The statement shall be completed by inserting the numbers of the standards conformity to which is substantially affected by both the design of the chassis-cab (as modified by the intermediate manufacturer) and the manner in which the vehicle is completed.

"Conformity to Standard Nos. (3) is no longer substantially affected by the design of this chassis-cab." The statement shall be completed by inserting the numbers of all or less than all of the standards, and only those standards, respecting which the latest prior certification statement was in the form prescribed in paragraph (a) (1), (a) (2), (b) (1) (A), (b) (1) (B), or (b) (2).

(4) Name of intermediate manufacturer, preceded by the words "INTER-MEDIATE MANUFACTURE BY" or "INTERMEDIATE MFR BY"

(5) Month and year in which the intermediate manufacturer performed his last manufacturing operation on the chassis-cab. This may be spelled out, as "JUNE 1970", or expressed as numerals, as "6/70". No preface is required.
(c) \* \* \*

(7) The following statements, as appropriate. Statements (i) and (ii) shall be made only for vehicles that were originally delivered by an incomplete vehicle manufacturer or an intermediate manufacturer as a chassis-cab.

(i) "Conformity of the chassis-cab to Federal Motor Vehicle Safety Standard Nos. \_\_\_\_ has not been affected by final-stage manufacture." The statement

shall be completed by inserting the numbers of all or less than all of the standards, and only those standards, respecting which the latest prior certification statement was made by a chassis-cab manufacturer pursuant to paragraph (a) (1) of this section or by an intermediate manufacturer pursuant to paragraph (b) (1) (A) or (b) (1) (B). This statement may be omitted at the discretion of the final-state manufacturer.

(ii) "With respect to Standard Nos. , the vehicle has been completed in accordance with the prior manufacturers' instructions." The statement shall be completed by inserting the numbers of all or less than all of the standards, and only those standards, respecting which the latest prior certification statement was a chassis-cab manufacturer's conditional statement under paragraph (a) (2) of this section or an intermediate manufacturer's conditional statement under paragraph (b) (2). This statement may be omitted at the discretion of the final stage manufacturer.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies. be submitted.

In the case of comments that contain materials for which confidential treatment is requested, those materials should be deleted from the copies submitted to the docket. A copy of the complete comments should be submitted to the Office of Chief Counsel at the above address, with an indication of which portions of the comments are the subject of the request for confidentiality.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Note.-The economic and inflationary impacts of this rulemaking have been carefully evaluated in accordance with OMB Circular A-107, and an Economic Impact Statement is not required.

The program official and lawyer principally responsible for the development of this rulemaking are David Fay and Mark Schwimmer, respectively.

(Secs. 103, 108, 112, 114, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1397, 1401, 1403, 1407); delegation of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on July 18, 1977.

ROBERT L. CARTER, Associate Administrator, Motor Vehicle Programs.

[FR Doc.77-21120 Filed 7-22-77;8:45 am]

# notices

This section, of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

# DEPARTMENT OF AGRICULTURE

**Forest Service** 

U.S. BORAX MINING ACCESS ROAD FOR THE QUARTZ HILL PROSPECT

Availability of Final Environmental Statement

Pursuant to section 102(2) (C) of the National Environmental Policy Act of 1969, the U.S. Forest Service, Department of Agriculture, has prepared a final environmental statement for the U.S. Borax Mining Access Road for the Quartz Hill Prospect, USDA-FS-FES (Adm)-77-04.

The Forest Service proposes to issue a special use permit to the U.S. Borax and Chemical Corporation in behalf of Pacific Mines, Inc., to construct a road to a mineral exploration property located due east of Ketchikan on the mainland of southeast Alaska. Tongass National Forest. The road would be used for intensive development drilling and for the extraction of mineralized rock for pilot testing (bulk sampling).

This final environmental statement was transmitted to the Council on Environmental Quality on July 18, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agricultural Building, Room 3210, 12th Street and Independence Avenue SW., Washington, D.C. 20013.

U.S. Forest Şervice, Alaska Region, Federal Office Building, Juneau, Alaska 99802.

Forest Supervisor, Chatham Area, Tongass National Forest, Federal Building, Sitka, Alaska 99835.

Forest Supervisor, Stikine Area, Tongass National Forest, Federal Building, Petersburg, Alaska 99833.

Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Building, Room 313, Ketchikan, Alaska 99901.

A limited number of single copies are available upon request to the Forest Supervisor, Ketchikan Area, Tongass National Forest, P.O. Box 2278, Ketchikan, Alaska 99901.

Copies of this environmental statement have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

R. Max Peterson,

Deputy Chief.

JULY 18, 1977.

[FR Doc.77-21321 Filed 7-22-77;8:45 am]

# CIVIL AERONAUTICS BOARD

[Dockets 27838 and 30818]

AEROVIAS QUISQUEYANA, C. POR A., ET AL.

### **Assignment of Proceeding**

This proceeding is hereby assigned to Administrative Law Judge Thomas P. Sheehan. Future communications should be addressed to Judge Sheehan.

Dated at Washington, D.C., July 19, 1977.

HENRY M. SWITKAY, .
Acting Chief,
Administrative Law Judge.

[FR Doc.77-21318 Filed 7-22-77;8:45 am]

[Docket No. 26724; Order 77-7-83] CANCELLATION OF MILITARY FARES PROPOSED BY VARIOUS CARRIERS

**Order To Dismiss Investigation** 

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of July 1977.

In the spring of 1974, carriers 1 serving U.S. Mainland-Puerto Rico/Virgin Islands markets filed tariffs canceling military discount fares in those markets. By order 74-5-149, dated May 31, 1974, the Board suspended various cancella-tions and instituted an investigation upon complaint filed by the Department of Defense. The complainant alleged that cancellation of all military discount fares between the U.S. Mainland and Puerto Rico/Virgin Islands would cause undue financial hardship on servicemen stationed in Puerto Rico and the Virgin Islands who depend upon scheduled air transportation between their duty stations and home.

Shortly thereafter, Delta Air Lines, Inc., (Delta) and Pan American World Airways, Inc. (Pan Am) withdrew their pending military discount fares cancellations, which were under suspension, and continued offering their discount fares.

Subsequently, the Board completed its general investigation of all passenger fares, including military discount fares, for the U.S. Mainland-Puerto Rico/Virgin Islands ratemaking entity and established policies and standards affecting the levels of fares in that entity. "Mainland U.S.-Puerto Rico/Virgin Islands Fares," Docket 24353, Orders 74-10-78 and 76-8-100. The relatively at-

<sup>1</sup>American Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., and Pan American World Airways. Inc. tractive level of fares in the markets at issue, normal as well as military fares, was not disturbed and, in fact, service at reasonable fares, was assured by the Board's adoption of load-factor standards and promotional-fare policies which benefit all passengers, military and civilian, in those markets.<sup>3</sup>

In view of the foregoing developments, we have reassessed our previous decision to proceed with an investigation of this matter and have reached a determination that the investigation is no longer warranted and should be dismissed. The hardships alleged by the Department of Defense do not appear to have materialized to the extent anticipated and, apparently, the fare structure as it now exists in these markets adequately meets the needs of the air-traveling public.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204 and 404 thereof,

It is ordered, That: 1. The investigation in Docket 26724 be and it hereby is dismissed; and 2. copies of this order shall be served upon all parties to Docket 26724.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR, 5 Secretary.

[FR Doc.77-21320 Filed 3-22-77;8:45 am]

[Docket 30662]

FLYING TIGER LINE, INC. V. SCANDINAVIAN AIRLINES SYSTEM

**Assignment of Proceeding** 

This proceeding is hereby assigned to Administrative Law Judge William A. Kane. Future communications should be addressed to Judge Kane.

Dated at Washington, D.C., July 19,

HENRY M. SWITKAY, Acting Chief, Administrative Law Judge.

[FR Doc.77-21316 Filed 7-22-77;8:45 am]

The domestic fare for a comparable distance is approximately 130 percent of the coich fare between New York and San Juan, the most dense market in the Mainland-Puerto Rico/Virgin Islands entity.

The fact that some carriers continue to offer military discount fares in the markets at issue augurs well that they can be responsive to the interests of the national defense. While the Board has permitted carriers to offer discount fares for personal military travel, it has never required them. See Order 74-3-67 for a discussion of the requirements of the Act regarding military

5 All members concurred.

<sup>&</sup>lt;sup>2</sup>The tariffs of Delta and Pan Am had been suspended and placed under investigation while the effective cancellations of American and Eastern had been placed under investigation only.

[Docket 30681]

# NICHOLSON AIR SERVICES, INC. D/B/A CUMBERLAND AIRLINES

# **Assignment of Proceeding**

This proceeding is hereby assigned to Administrative Law Judge Thomas P. Sheehan. Future communications should be addressed to Judge Sheehan.

Dated at Washington, D.C., July 19, 1977.

Henry M. Switkay, Acting Chief, Administrative Law Judge.

[FR Doc.77-21317 Filed 7-22-77;8:45 am]

[Docket Nos. 29058, etc.]

# NORFOLK-ATLANTA

#### **Environmental Rejection**

#### Correction

In FR Doc. 77–20415, appearing in the issue for Friday, July 15, 1977 on page 36532, the 4th line should read, "... the Board's Procedural Regulations, with

#### [Docket 28140]

# OIL, CHEMICAL AND ATOMIC WORKERS INTERNATIONAL UNION, AFL—CIO V. UNITED AIR LINES, INC.

#### Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge William A. Kane. Future communications should be addressed to Judge Kane.

Dated at Washington, D.C., July 19, 1977.

HENRY M. SWITKAY, Acting Chief, Administrative Law Judge.

[FR Doc.77-21315 Filed 7-22-77;8:45 am]

### [Docket 30613]

PAN AMERICAN WORLD AIRWAYS, INC. AND MACKENZIE TOURS HAWAII, RE-SPONDENTS ENFORCEMENT PROCEED-ING

# Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Alexander N. Argerakis. Future communications should be addressed to Judge Argerakis.

Dated at Washington, D.C., July 18, 1977.

Henry M. Switkay, Acting Chief, Administrative Law Judge.

[FR Doc. 77-21314 Filed 7-22-77;8:45 am]

# COMMISSION ON CIVIL RIGHTS CALIFORNIA ADVISORY COMMITTEE

#### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the California Advisory Committee (SAC) of the Commission will convene at 10 a.m. and

will end at 1 p.m. on August 15, 1977, in the Hyatt Hotel, 6225 West Century Boulevard, Cabana #210, Los Angeles, California 90045.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, 312 North Spring Street, Room 1015, Los Angeles, California 90012.

The purpose of this meeting is a meeting of the Public Information Subcommittee to discuss program planning.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 19, 1977.

John I. Binkley, Advisory Committee Management Officer.

[FR Doc.77-21298 Filed 7-22-77;8:45 am]

# **IDAHO ADVISORY COMMITTEE**

#### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning and factfinding meeting of the Idaho Advisory Committee (SAC) of the Commission will convene at 9 a.m. and will end at 12:30 p.m. on August 13, 1977, Sheraton Downtown, Teton Room, 1901 Main Street, Boise, Idaho 83706.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwest Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Washington 98174.

The purpose of this meeting is to review proposal draft and plan for field work.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., on July 19, 1977.

JOHN I. BINKLEY, Advisory Committee Management Officer.

[FR Doc.77-21299 Filed 7-22-77;8:45 ami]

# ILLINOIS ADVISORY COMMITTEE Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that planning meeting of the Illinois Advisory Committee (SAC) of the Commission will convene at 10 a.m. and will end at 3 p.m. on August 22, 1977, 230 South Dearborn Street, Room 3280 Chicago,

Illinois 60604.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is that the Chicago Desegregation Subcommittee will meet to discuss the progress of the Chicago School System in the desegregation plan development.

The Subcommittee will prepare a report for the Illinois SAC of its activities and future programs.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., on July 19, 1977.

John I. Binkley, Advisory Committee Management Officer.

[FR Doc.77-21300 Filed 7-22-77;8:45 ami]

# NEW HAMPSHIRE ADVISORY COMMITTEE Agenda and Notice of Open Meeting

Notice is hereby given pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Hampshire Advisory Committee (SAC) of the Commission will convene at 7 p.m. and will end at 10 p.m. on August 16, 1977, in the New Hampshire Highway Hotel.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss progress reports of SACs projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 19, 1977.

John I. Binkley, Advisory Committee Management Officer.

[FR Doc.77-21301 Filed 7-22-77;8:45 am]

# RHODE ISLAND ADVISORY COMMITTEE Agenda and Notice of Open Meeting

Notice is hereby given pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Rhode Island Advisory Committee (SAC) of the Commission will convene at 4 p.m. and will end at 6 p.m. on August 30, 1977, in the Central Congregational Church, 296 Angell Street, Providence, Rhode Island.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this open meeting is to discuss progress report of SACs projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 19, 1977.

John I. Binkley, Advisory Committee Management Officer.

[FR Doc.77-21302 Filed 7-22-77; 8:45 am]

# TEXAS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Texas Advisory Committee (SAC) of the Commission will convene at 9 a.m. on August 23, 1977 and at 1 p.m. on August 24, 1977, in the Hilton Inn 2721 So. 10th Street, Crockett Room, McAllen, Texas.

Persons wishing to attend this open

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southwestern Regional Office of the Commission, New Moore Building, Room 231, 106 Broadway, San Antonio, Texas 78205. The purpose of these meetings are: 1)

The purpose of these meetings are: 1) SAC orientation meeting and planning meeting, 2) Discussions on the Immigration Project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 19, 1977.

John I. Binkley, Advisory Committee Management Officer.

[FR Doc.77-21303 Filed 7-22-77;8:45 am]

# VERMONT ADVISORY COMMITTEE Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of U.S. Commission on Civil Rights, that a planning meeting of the Vermont Advisory Committee (SAC) of the Commission will convene at 7:30 p.m. and will end at 11 p.m. on August 15, 1977, in the Tavern Motor Inn, Montpelier, Vermont.

Montpelier, Vermont.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss progress reports of SACs projects.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 19, 1977.

John I. Binkley, Advisory Committee Management Officer.

[FR Doc.77-21304 Filed 7-22-77;8:45 am]

# WASHINGTON ADVISORY COMMITTEE Agenda and Notice of Open Meeting

Notice is hereby given pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Washington Advisory Committee (SAC) of the Commission will convene at 9 a.m. and will end at 12:30 p.m. on August 20, 1977, 915 Second Avenue, Room 2866, Seattle, Washington 98174.

Persons wishing to attend this open meeting should contact the Committee

Chairperson, or the Northwest Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Washington, 98174.

The purpose of this meeting is a brief SAC on National Indian Project.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., July 19, 1977.

JOHN I. BINKLEY, Advisory Committee Management Officer.

[FR Doc.77-21305 Filed 7-22-77;8:45 am]

# DEPARTMENT OF COMMERCE

Domestic and International Business Administration

FOREIGN AVAÎLABILITY SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNI-CAL ADVISORY COMMITTEE

#### Notice of Open Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee will be held on Tuesday, August 9, 1977, at 3:00 p.m. in Room 5611, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c) (1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c) (1) and the Federal Advisory Committee Act. The Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of equipment are available in non-COCOM and Communist bloc countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

The Subcommittee meeting agenda has three parts:

(1) Opening remarks by the Subcommittee Chairman.

tee Chairman.
(2) Presentation of papers or comments by the public.

(3) Discussion of foreign availability report.

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the subcommittee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3012, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

Dated: July 20, 1977.

LAWRENCE J. BRADY,
Acting Director, Office of Export
Administration Bureau of
East-West Trade Department
of Commerce.

[FR Doc.77-21281 Filed 7-22-77;8:45 am]

# DEPARTMENT OF DEFENSE

Department of the Army PRIVACY ACT OF 1974

System of Records: Amendment

The Department of the Army proposes certain amendments in an Army system of records described below. These amendments do not fall within the purview of Office of Management and Budget Circular No. A-108, Transmittal Memorandum No. 1 dated September 30, 1975, which requires submission of a report of an agency's intention to establish or alter systems of records, as required by the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a(0)). This OMB guidance was set forth in the Federal Register (40 FR 45877) on October 3, 1975. The amendment will be effective as proposed, without further notice, within 30 days of this publication (August 24, 1977) unless comments are received which result in a contrary determination requiring publication.

In FR Doc. 75-21075 published in the Federal Register of August 18, 1975 (40 FR 35230), the Department of the Army published system of records AO708.21 DAAG, entitled: Statement of Employment Files. Since publication of this system notice, responsibility for maintenance of this system of records, together with the records, were transferred from The Adjutant General, Reserve Components Personnel and Administration Center, St. Louis, MO to the Commander, US Army Finance and Accounting Center, Indianapolis, IN. This action necessitates amendment to the system of rec-

ords to reflect accurate location of the records, the System Manager, and, in the interest of clarifying officers covered by the system of records, to include warrant officers.

Following a brief identification of the specific changes, the complete system notice is published in its entirety.

#### A0708.21DAAG

#### System name:

708.21 Statement of Employment Files (40 FR 35230)

#### Changes:

System identification is changed to read: "A0708.21DACA".

#### System location:

Delete entry and substitute therefor: "Retired Pay Operations, US Army Finance and Accounting Center (USA-FAC), Indianapolis, IN 46249".

Categories of individuals covered by the system:

After "Regular Army officers", insert "and warrant officers \* \* \*".

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

After "Regular Army officers", insert "and warrant officers \* \* \*".

#### Retrievability:

Change entry to read: "By social security number (SSN) and name of individual".

# Retention and disposal:

Insert after "officer" the phrase "or warrant officer \* \* \*".

## System manager(s) and address:

Delete entry and substitute: "Commander, USAFAC, Indianapolis, IN 46249".

# Notification procedure:

Change address to read: "Commander, US Army Finance and Accounting Center, ATTN: FINCM, Indianapolis, IN 46249. Telephone: Area Code 317/542-3911; 800-428-2290".

The record system, as amended, is published in its entirety below.

# A0708.21DACA

### System name:

708.21 Statement of Employment Files.

#### System location:

Retired Pay Operations, US Army Finance and Accounting Center (USA FAC), Indianapolis, IN 46249.

Categories of individuals covered by the system:

United States Regular Army officers and warrant officers retired from active Army service.

#### Catergories of records in the system:

File contains all data concerning his/ her employment, to include employer's name, address, product employer sells or offers for sale, individual's position and duties with company, and other related correspondence concerning his/her employment.

#### Authority for maintenance of the system:

Executive Order 11222, Prescribing Standards of Ethical Conduct for Government officers and employees.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To obtain information concerning employment of Regular Army officers and warrant officers who are retired from active military service.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

#### Storage:

Paper records in file folders.

#### Retrievability:

By social security number (SSN) and name of individual.

#### Safeguards:

Records are maintained in areas accessible only to authorized personnel. Building is secured through 24 hour guard service. Entry to building is by authorized badge only.

### Retention and disposal:

Records are retained until officer or warrant officer is deceased; then destroyed.

### System manager(s) and address:

Commander, US Army Finance and Accounting Center, Indianapolis, IN 46249.

# Notification procedure:

Information may be obtained from: Commander, US Army Finance and Accounting Center, ATTN: FINCM, Indianapolis, IN 46249, Telephone: Area Code 317-542-3911; 800-428-2290.

#### Record access procedures:

Written requests for information should contain the full name of the individual, current address and telephone number, office symbol that appears on all correspondence from this Center and form number of Form Letter that may be at bottom of left corner of correspondence from the Center.

For personal visits, the individual should provide acceptable identification, i.e., Identification Card, driver's license, employing office identification card, and give verbal information that can be verified from his/her employment statement.

### Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

# Record source categories:

Completed form from individual; correspondence from employing agency.

Systems exempt from certain provisions of the act:

None.

MAURICE W. ROCHE, Director, Correspondence and Directors, OASD Comptroller).

JULY 1, 1977.

[FR Doc.77-21248 Filed 7-22-77;8:45 am]

# PRIVACY ACT OF 1974 New System of Records

The Department of the Army systems of records notices as prescribed by the Privacy Act of 1974 have been published in the Federal Register as follows:

FR Doc 75-21075 (40 FR 35151) August 18,

FR Doc 75-22781 (40 FR 41970) September 9,

FR Doc 75-26296 (41 FR 2952) January 20, 1976.

FR Doc 76-20187 (41 FR 28806) July 13, 1970. FR Doc 76-21185 (41 FR 30824) July 26, 1976. FR Doc 78-27015 (41 FR 39798) September 10, 1978.

FR Doc 76-32920 (41 FR 49960) November 11, 1976.

FR Doc 77-5005 (42 FR 9700) February 17, 1977.

FR Doc 77-9080 (42 FR 16465) March 28, 1977.'
FR Doc 77-11071 (42 FR 20172) April 18, 1977.
FR Doc 77-11277 (42 FR 20326) April 19, 1977.
FR Doc 77-11857 (42 FR 21310) April 26, 1977.
FR Doc 77-14423 (42 FR 25904) May 20, 1977.

Notice is hereby given that the Department of the Army submitted a proposed new system of records on July 1, 1977 pursuant to the provisions of Office of Management and Budget (OMB) Circular No. A-108, Transmittal Memorandum No. 1, dated September 30, 1975, and Transmittal Memorandum No. 3, dated May 17, 1976, which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of personal records as required by the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a(0)).

The Department of the Army invites public comments concerning the proposed new record system. Interested persons are invited to submit written data, views and arguments to Headquarters, Department of the Army (DAAG-AMR-R), Forrestal Building, 1000 Independence Avenue, S.W., Washington, DC 20314 on or before August 24, 1977. The system will become effective, within 30 days (August 24, 1977), as proposed without further notice unless comments are received which result in a contrary determination.

#### A0302.06cDACS

System name:

302.06 Accounting for Personal Money Allowances (PMA).

#### System location:

Office of the Director of Management, Office, Chief of Staff Army (OCSA), Headquarters, Department of the Army (HQDA), Washington, DC 20310.

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Categories of individuals covered by the system:

Army general officers in receipt of a Personal Money Allowance under 37 U.S.C. 414.

### Categories of records in the system:

Annual report accounting for the receipt and disposition of PMA funds received during the reporting period.

Authority for maintenance of the system: Title 10, U.S.C., § 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To maintain a record of the receipt and disposition of the funds received. Annual reports will be filed with and reviewed by the Director of Management, OCSA. The results of the review will be reported to the Assistant Secretary of the Army for Financial Management.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

# Storage:

Maintained in file folders.

#### Retrievability:

By name of general officer.

#### Safeguards:

Records are stored in locked cabinets.

#### Retention and disposal:

Retained for three years after the date for which report is submitted, then destroyed.

System manager(s) and address:
Director of Management, OCSA,
HQDA, Washington, DC 20310.

#### Notification procedure:

Information may be obtained from the SYSMANAGER.

#### Record access procedures:

Individual can obtain assistance from the SYSMANAGER.

#### Contesting record procedures:

The Army's rules for access to records and for contesting and appealing initial determinations are contained in 32 CFR Part 505 and Army Regulation 340-21.

# Record source categories:

Information is obtained from each Army general officer in receipt of a Personal Money Allowance.

Systems exempted from certain provisions of the act:

None.

MAURICE W. ROCHE, Director, Correspondence and Directives, OASD (Comptroller).

JULY 15, 1977.

[FR Doc.77-21292 Filed 7-22-77;8:45 am]

# Defense Logistics Agency PRIVACY ACT OF 1974

# Proposed Amendments to Systems of Records

The Defense Logistics Agency systems of records notices as prescribed by the Privacy Act of 1974 have been published in the Federal Register as follows:

FR Doc 75-21075 (40 FR 36045) August 18, 1975.

FR Doc 75-26296 (41 FR 2970) January 20, 1976.

FR Doc 75-26296 (41 FR 3045) January 20, · 1976.

FR Doc 76-21185 (41 FR 31002) July 26, 1976. FR Doc 76-21185 (41 FR 31142) July 26, 1976. FR Doc 76-22251 (41 FR 32249) August 2, 1976.

FR Doc 77-4680 (42 FR 9200) February 15, 1977.

FR Doc 77-7056 (42 FR 13339) March 10, 1977.

FR Doc 77-19235 (42 FR 34908) July 7, 1977.

Notice is hereby given that the Defense Logistics Agency proposes to amend four systems of records. The proposed changes therein are not considered to be within the provisions of the Office of Management and Budget (OMB) Circular No. A-108, Transmittal Memorandum No. 1, dated September 30, 1975, and Transmittal Memorandum No. 3, dated May 17, 1976, which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of personal records as required by the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a(o)). This OMB guidance was set forth in Federal Recister (40 FR 45877) on October 3, 1975. Following the identification code of the

Following the identification code of the record systems and the specific changes made therein, the complete revised record systems, as amended, are published in their entirety.

Interested persons are invited to submit comments, including written data, views or arguments concerning the proposed amended systems of record to Headquarters, Defense Logistics Agency, Attention DLA-XA, Cameron Station, Alexandria, Virginia 22314, on or before August 24, 1977. The amendments as proposed will become effective in 30 days (August 24, 1977) without further notice unless comments are received which would result in a contrary determination and requiring republication.

# S150.20 DLA-T

#### System name:

150.20 Security Violations Files (42 FR 34906) July 7, 1977 and (41 FR 3045) January 20, 1976.

### Changes:

Systems exempted from certain provisions of the act: Delete entire entry and substitute "Parts of this system may be exempt under Title 5 U.S.C. 552a (k) (2) as applicable. Agency rules pertaining to this exemption are set forth in Appendix C of 32 CFR Part 1286 and DLA

Regulation 5400.21. For additional information, contact the System Manager."

#### S153.01 DLA-T

#### System name:

153.01 Personal Security Files (42 FR 34906) July 7, 1977 and (41 FR 3045) January 20, 1976.

#### Changes:

Systems exempted from certain provisions of the act: Delete entire entry and substitute "Parts of this system may be exempt under Title 5 U.S.C. 552a (k) (2) and (5) as applicable. Agency rules pertaining to this exemption are set forth in Appendix C of 32 CFR Part 1286 and DLA Regulation 5400.21 For additional information, contact the System Manager."

#### S160.50 DLA-T

#### System name:

160.50 Criminal Incidents/Investigations File (42 FR 34906) July 7, 1977 and (41 FR 3046) January 20, 1976.

#### Changes:

Systems exempted from certain provisions of the act: Delete entire entry and substitute "Parts of this system may be exempt under Title 5 U.S.C. 552a(k) (5) as applicable. Agency rules pertaining to this exemption are set forth in Appendix C of 32 CFR Part 1286 and DLA Regulation 5400.21. For additional information, contact the System Manager."

### S155.53 DLA-NS

#### System name:

155.53 Industrial Personnel Security Clearance File (42 FR 34906) July 7, 1977 and (42 FR 13339) March 10, 1977.

#### Changes:

Systems exempted from certain provisions of the act: Delete entire entry and substitute "Parts of this system may be exempt under Title 5 U.S.C. 552a(k) (5) as applicable. Agency rules pertaining to this exemption are set forth in Appendix C of 32 CFR Part 1286 and DLA Regulation 5400.21. For additional information, contact the System Manager."

# S150.20 DLA-T

#### System name:

150.20 Security Violations Files (41 FR 3045) January 20, 1976.

#### Security location:

Primary System—Reports of the more serious security violations involving information or material classified in the interests of national defense: Command Security Office, Headquarters, Defense Logistics Agency (HQ DLA), Decentralized segments—Above files plus all other reports of security violations: DLA Primary Level Field Activities (PLFAs).

# Individual-category:

Civilian and military personnel currently or formerly employed by or as-

signed to DLA, employees of Department Access: of Defense (DOD) contractor facilities, and other persons who may be involved in security violations.

#### Record-category:

Reports of informal and formal administrative inquiries, investigations, statements of witnesses, photographs, and related papers regarding security violations pertaining to DLA activities.

E.O. 11652 which pertains to the protection of information and material classified in the interests of national defense. DOD Directive 5200.1-R.

#### Routine-uses:

The information in the system is used by Security Officers in HQ DLA and PLFA's for the following: Determining the suitability of DLA personnel involved in security violations to have continued access to classified information; Evaluating the safeguards established within the DLA to protect classified information and material; and referring violations involving Atomic Energy information and those in which espionage is suspected to the Justice Department as required should contain the full name, current address and telephone number of the individual and must be accompanied by a notorized statement attesting to by

#### Policy-practice storage:

Paper records in file folders.

# Retrievability:

Filed alphabetically by name of any individual held to be responsible for the violation.

#### Safeguards:

As a minimum, records are stored in locked containers whenever authorized DLA personnel are not present to control access to them. Any of these files containing classified documents are maintained in security containers approved by HQ DLA for storage of classified information.

#### Retention:

Normally, records are retained in the active file two years after all aspects of the case are closed and then destroyed. Reports concerning violations of a sufficiently serious nature to be considered felonies are retained for two years in the active file and then held eight years in the inactive files and subsequently destroyed.

#### Sysmanager:

Command Security Officer, HQ DLA Security Officers, DLA Primary Level Field Activities.

Written or personal requests for information may be directed to the SYS MANAGER. Individuals must provide their full names and the identity of DLA activity at which the violation occurred as well as the date of its occurrence.

Official mailing addresses of the SYS-MANAGER are in the DOD Directory in the appendix to the DLA systems notice. Written requests for information the identity of the requestor and containing the following: "I understand tha knowingly and willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to 5,000 dollars under the provisions of the Privacy Act of 1974." For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employment office identification card, and give some verbal information that could be verified with his file. If the requestor cannot present suitable evidence of identification a notarized statement similar to that described above may be required.

The agency's rules for contesting contesting contents and appealing initial de-terminations by the individual concerned may be obtained from the SYS-MANAGER.

#### Source:

Officials appointed to conduct administrative inquiries, informal or formal investigations as well as reports from DOD or other federal investigative agencies.

#### Exemption:

Parts of this system may be exempt under Title 5 U.S.C. 552a(k) (2), as applicable. Agency rules pertaining to this exemption are set forth in Appendix C of 32 CFR Part 1286 and DLA Regulation 5400.21. For additional information, contact the SYSMANAGER.

# \_S153.01 DLA-T

#### System name:

Personnel Security Files (41 FR 3045) January 20, 1976.

# Security location:

Primary System—Investigatory rec-ords containing unfavorable information requiring clearance action by the Defense Logistics Agency (DLA) Central Clearance Group (CCG) and records pertaining to persons involved in highly sensitive projects: Command Security Office, Command Security Officer, Headquarters Defense Logistics Agency (HQ DLA). Decentralized segments—above files plus all other investigatory records: Security Officer, DLA Primary Level Field Activities (PLFAs).

#### Individual-category:

All civilian employees and military personnel who have been the Subject of National Agency Check (NAC): a Background Investigation (BI); or Special Background Investigation (SBI) pertaining to their qualifications for access to classified information.

#### Record-category:

Reports of investigations conducted by the Civil Service Commission (CSC), the Federal Bureau of Investigation (FBI), the Defense Investigative Service (DIS). the investigative units of the Army, Navy and Air Force, and other Federal investigative organizations. Also, evidence of security clearances and access to classified information granted to individuals and certifications of security briefings and debriefings signed by individuals.

Executive Order (E.O.) 10450, as amended, which was issued by virtue of the authority vested in the President by Section 7532 of Title 5, United States Code and other statutes enumerated in E.O. 10450.

#### Routine-uses:

The investigatory reports are used by appropriate Security Officers and Commanders or other designated officials as a basis for determining a person's eligibility for access to information classified in the interests of national defense.

#### Policy-practice storage:

Paper records in file folders.

#### Retrievability:

Reports are filed alphabetically by name, date and place of birth. No indices are used to retrieve individual records from the system.

#### Safeguards:

As a minimum, records are stored in locked containers whenever authorized DLA personnel are not present to control access to them. Any of these files containing classified documents are maintained in security containers approved by HQ DLA for storage of classified information.

#### Retention:

Reports are retained as long as the person is employed or assigned to DLA. After the person leaves DLA, the reports are placed in an inactive file, retained for two years, and then destroyed or returned to the agency which conducted the investigation.

# Sysmanager:

Command Security Officer, HQ DLA: Security Officers of Primary Level Field Activities.

#### Notification:

Written or personal request for information may be directed to the SYSMANAGERS.

#### Access:

Official mailing address of the SYSMANAGERS are in the Department of Defense Directory in the appendix to the DLA systems notice. Written requests for information should contain the full name, date and place of birth, current address, and telephone number of the requestor. For personal visits, the requestor must be able to provide some acceptable identification (i.e., driver's license, parent's name, identification card, date and place of birth, dates and place(s) of employment with DLA, if

applicable). Written requests must be accompanied by a notarized statement attesting to the requestor's identity and containing the following: "I understand that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to 5,000 dollars under the provisions of the Privacy Act of 1974."

#### Contest:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

#### Source:

Reports of investigations conducted by the CSC, FBI, DIS, investigative units of the Army, Navy, and Air Force, as well as other Federal investigative organizations.

#### Exemption:

Parts of this system may be exempt under Title 5 U.S.C. 552a(k) (2) and (5) as applicable. Agency rules pertaining to this exemption are set forth in Appendix C of 32 CFR Part 1286 and DIA Regulation 5400.21. For additional information, contact the SYSMANAGER.

#### S160.50 DLA-T

#### System name:

160.50 Criminal Incidents/Invesigations file (41 FR 3046) January 20, 1976.

#### Security location:

Primary System—case files on all incidents of known or suspected criminal activity or other serious incidents which may arouse local or national news media or Congressional interest: Command Security Office, Headquarters Defense Logistics Agency (H DLA). Decentralized segments—above files plus incidents of minor nature: HQ DLA principal staff elements, DLA Primary Level Field Activities (PLFA).

# Individual-category:

Civilian and military personnel of DLA, contractor employees, and other persons who committed or are suspected of having committed a felony or misdemeanor on DLA controlled activities or may be a party of interest.

# Record-category:

Reports of Investigation, messages, statements of witness, subjects and victimes, photographs, laboratory reports, and other related papers.

#### Authority:

Section 21, Internal Security Act of 1950 (Pub. L. 831, 81st Congress) DOD Instruction 5200.22, Reporting of Security and Criminal Violations, and Memorandum Deputy Secretary of Defense dated 7 May 1974, which assigned to the Director of DLA the responsibility for identifying all DLA activities requiring criminal investigative support and crime prevention surveys, provide control co-

ordination of such investigation and surveys, and to ensure optimum investigative support and mutual exchange of relevant information between participating agencies.

#### Routine-uses:

Information is maintained for the purpose of monitoring the progress of investigations, identification of crime conducive condition, crime and loss prevention, and preparation of statistical data required by higher authority. Information may be referred to local, state, federal law enforcement agencies when the information indicates a violation of local, state, or federal laws. Information is used by: DLA Security personnel—to monitor progress of cases, develop nonpersonal statistical data on crime and loss incidence; crime and loss prevention and to enable planning of required criminal investigative support for the future. DLA counsel-review of cases and determination of proper legal action. DLA supervisors and managersto determine actions required to correct the causes of losses, and to take appropriate action against DLA employees in cases of their involvement.

#### Policy-practice storage:

Paper records, photographs, laboratory reports in file folders, bound logs, and card index files.

#### Retrievability:

Filed chronologically by DLA case number and cross indexed in a log and card index file. Indexed either by name of the individual or firm involved, when such are known, if not by DLA activity or facility having primary interest in the case.

#### Safeguards:

Records are maintained in areas accessible only to DLA security personnel.

### Retention:

Records are destroyed 5 years after submittal or receipt of a final report in each case or when no longer needed, whichever is later.

# SYSMANAGER:

Command Security Officer, DLA; Heads of PLFAs.

# Notification:

Written or personal requests for information may be directed to the SYS MANAGER.

#### Access

Official mailing addresses of the SYS MANAGERS are in the Department of Defense Directory in the appendix to the DLA systems notice. Written requests for information should contain the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office identification card, and give some verbal information that could be verified with the file.

#### Contest:

DLA's rules for contesting contents as well as appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

#### Source

Reports of investigation by DLA Security Officers, Federal, State, and Local law enforcement agencies.

#### Exemption:

Parts of this system may be exempt under Title 5 U.S.C. 552a(k) (2) as applicable. Agency rules pertaining to this exemption are set forth in Appendix C of 32 CFR Part 1286 and DLA Regulation 5400.21. For additional information, contact the SYSMANAGER.

#### S155.53 DLA-NS

#### System name:

155.53 Industrial Personnel Security Clearance File (42 FR 13339) March 19, 1977.

#### Security location:

Defense Industrial Security Clearance Office, Defense Construction Supply Center, P.O. Box 2499, Columbus; Ohio 43216. A duplicative file of the Defense Industrial Security Clearance Office record of Overseas Security Eligibilities is retained by the Office of Industrial Security, Europe, Brussels, Belgium.

# Individual-category:

Employees of Government contractors who have been issued, now possess, or are in process for personnel security clearances, including Overseas Security Eligibilities.

# Record-category:

Information contained in each record in the automated portion of the system. may include: Name of the Individual; aliases; maiden name; date of birth, place of birth, Social Security Account number; name and address of employer; level of security clearance granted; date security clearance granted; type of investigation; date of investigation; identity of investigating agency; file or case number; location of file; record of Communication Security (COMSEC) security clearance and sequential record of security clearance terminations, transfers, and reinstatements. Information contained in each record in the manual portion of the system may contain the original application for security clearance (Personnel Security Questionnaire); a copy of the personnel security investigation; a record of security clearance; record of COMSEC security clearance: Overseas Security Eligibility: Control records; foreign travel reports; all correspondence concerning the processing of the initial clearance, termination, reinstatement, transfer, emergency suspension, revocation or denial of security clearance: adjudication suspense records; adverse information reports: security violation reports; and internal Government correspondence and interoffice. memoranda relative to the security clearance process.

# Authority:

Presidential Executive Order 10865 as amended by Executive Order 10909, both titled, Safeguarding Classified Information Within Industry.

#### Routine-uses:

The automated portion of the system is retained as a central record of industrial security clearances granted. Access to this record is restricted to authorized Defense Logistics Agency employees. The Defense Industrial Security Clearance Office will verify security clearance status only to cleared Department of Defense contractors and authorized Government agencies. Also, on occasion, the clearance record may be used to reconcile security clearance records maintained by the individual's employer. The manual portion of the system serves as a central repository for all hard copy material concerning an applicant for industrial security personnel clearance. All information contained in this record is used to back up the security clearance determination. Disclosure of this record is permitted only to personnel of the Department of Defense involved in the industrial personnel clearance process or to a legally constituted law enforcement activity within or under the control of the United States when: (i) a violation of law relative to the purpose of the security clearance program is suspected, or (ii) requested by the head of the law enforcement activity or his designated representative provided that the portion of the record desired is specified and the law enforcement activity identified. Disclosure of foreign travel information contained in the record will be permitted to Federal Government investigative agency personnel for civil or criminal law enforcement activity.

# Policy-practice storage:

Automated Records are maintained in computer disc packs, magnetic tapes, and associated data processing files used to initially build or update the master file. The individual records in the manual part of the system are microfiche, 5 x 8 cards and hard copy paper records maintained in file folders.

# Retrievability:

Automated records are accessed by individual Social Security Account number. Computerized indices are required to retrieve records from the system. Manual Records are accessed by Social Security Account number or alphabetically by

# Safeguards:

In the automated part of the system special codes, available only to authorized Defense Logistics Agency personnel, are required to access records by means of cathode ray tube readers located only in the Defense Industrial Security Clearance Office area. Access to the manual records is limited to authorized personnel of the Defense Industrial Security Clearance Office. The Defense Industrial Security Clearance Office area is on a military controlled installation and seg-

regated from other Government operational areas. All visitors are badged and escorted. During nonworking hours the entire area is secured and protected by a perimeter alarm system and roving guard patrols, motorized and on foot.

#### Retention

The automated records are retained for 25 months following the termination of a security clearance. A record con-cerning an individual is retained, following termination, until the individual would reach the chronological age of 80 years in those cases where adverse information is existant or the clearance is terminated because of the death of the holder. Destruction is accomplished through degaussing the disk pack entry or magnetic tape. Retention of the manual records is authorized for 30 years after the date of the last action; however, records are purged 10 years after the date of the last action. Destruction is by burning. Microfiche records are updated at approximately 30-day intervals and superseded records are burned.

#### Systems manager:

The official responsible for policies and procedures governing this system is the Executive Director of Industrial Security, Defense Logistics Agency. Operational management of the system is exercised by the Chief, Defense Industrial Security Clearance Office.

#### Notification:

An individual who wishes to be notified if the system contains a record about him or her should direct the request to the Chief, Defense Industrial Security Clearance Office, Defense Construction Supply Center, P.O. Box 2499, Columbus, Ohio 43216. Requests must contain the full name, date and place of birth, and Social Security Account number. An individual may also visit the Defense Industrial Security Clearance Office to determine if the system contains a record pertaining to him or her. For visits to the Defense Industrial Security Clearance Office the individual must present proof of identity such as birth certificate, driver's license, or employee identification card, and proof of Social Security Account number.

#### Access

An individual can obtain access to or a copy of any record pertaining to him or her, except for the personnel security investigation, by directing a request to the Chief, Defense Industrial Security Clearance Office, Defense Construction Supply Center, P.O. Box 2499, Columbus, Ohio 43216. Requests for personnel security investigations will be promptly referred to the appropriate investigative agency which is authorized to release the record. A record can be released at the Defense Industrial Security Clearance Office, Columbus, Ohio, or through one of the 11 Regional Offices of Industrial Security or a Field Office of any Regional Office of Industrial Security. A release will take place at the Office of Industrial Security nearest the

residence of place of employment of the requester. The 11 Regional Offices of Industrial Security are located in Atlanta, Boston, Chicago, Cleveland, Dallas, Detroit, Los Angeles, New York, San Francisco, Philadelphia, and St. Louis. A record may also be released by mail in those cases where the requestor was provided an original notarized authorization for such release.

#### Contest

The Agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the Office of Industrial Security.

#### Source

The sources of information contained in a record are the employer and the Defense Investigative Service which is responsible for conducting personnel security investigations.

#### Exemption:

Parts of this system may be exempt uder Title 5 U.S.C. 552a(k) (5) as applicable. Agency rules pertaining to this exemption are set forth in Appendix C of 32 CFR Part 1286 and DLA Regulation 5400.21. For additional information, contact the SYSMANAGER.

William A. Smith,

Chief, Administrative Management Division, Office of Administration.

Maurice W. Roche,

Director, Correspondence and Directives Office of the Assistant Secretary of Defense (Comptroller).

JULY 20, 1977.

[FR Doc.77-21247 Filed 7-22-77;8:45 am]

# PRIVACY ACT OF 1974 New System of Records

The Defense Logistics Agency (DLA) systems of records notices as prescribed by the Privacy Act of 1974 have been published in the Federal Register as follows:

FR Doc. 75-22781 (40 FR 36045) August 18, 1975.

FR Doc. 75-76296 (41 FR 2970) January 20, 1976.

FR Doc. 75-26296 (41 FR 3045) January 20, 1976.

FR Doc. 76-21185 (41 FR 31002) July 26, 1976. FR Doc. 76-21185 (41 FR 31142) July 26, 1976. FR Doc. 76-22251 (41 FR 32249) August 2, 1976.

FR Doc. 77-7058 (42 FR 13339) March 10, 1977.

FR Doc. 77-19235 (42 FR 34906) July 7, 1977,

Notice is hereby given that the Defense Logistics Agency submitted a proposed new system of records on July 11, 1977 pursuant to the provisions of Office of Management and Budget (OMB Circular A-108, Transmittal Memorandum No. 1, dated September 30, 1975, and Transmittal Memorandum No. 3, dated May 17, 1976, which provide supplemen-

tal guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of personal records as required by the Privacy Act of 1974 (Pub. L. 93–579, 5 U.S.C. 552a(0)). This OMB guidance was set forth in the Federal Register (40 FR 45877) on October 3, 1975.

The Defense Logistics Agency invites public comments concerning the proposed new record system. Interested persons are invited to submit written data, views, and arguments to Headquarters, Defense Logistics Agency, Attn: DLA—XA, Cameron Station, Alexandria, Virginia 22314 on or before August 24, 1977. This system will become effective within 30 days of the date of this publication (August 24, 1977), as proposed without further notice unless comments are received which result in a contrary determination.

# S390.05 DCRB-M

System name:

S390.05 Boston Equal Employment Opportunity (EEO) Skills Bank,

System location:

Equal Employment Office, Defense Contract Administration Services Region (DCASR), Boston.

Categories of individuals covered by the system:

Personnel presently employed by DCASR, Boston and referrals from other agencies.

# Categories of records in the system:

Individual skills records, including name of individual, present position, present grade and length of time in grade, occupational skills, educational background, types of jobs presently for which qualified, areas of job interest (future), geographic work areas where individual is willing to locate.

Authority for maintenance of the system:

E.O. 11478, EEO in the Federal Government and EEO Act of 1972 (Pub. L. 92–261) amending the Civil Rights Act of 1964

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose of this system is to assure that qualified employees are informed of unward mobility opportunities. Information is used as a means of referral of candidates when specific organizational elements make requests so that candidates may be alerted to be sure necessary background materials are in files; as a means of referral of candidates to other Federal and public agencies when specific inquiries are made: as a means for notifying possible candidates of training courses in present or anticipated fields. Data relative to outstanding referrals from other agencies as well as walk-in applicants may be added to the system for referral purposes.

#### Storage:

Magnetic tapes and computer printouts stored in file cabinet. Retrievability:

Information is retrieved by grade, occupational skills, present job qualifications, job avocation, and location (entered by category code), and therein alphabetically by name.

#### Safeguards:

Magnetic tapes are maintained in tape library which are accessible only to authorized personnel. Computer Personnel who process reports are appropriately cleared. Paper records are maintained in files in the Equal Employment Opportunity Office in file cabinets, which are locked during non-duty hours.

### Retention and disposal:

Records on current employees will be destroyed upon employee's separation. Records on outside referrals will be retained for one year after which they will be destroyed.

Sysmanager:

EEO Officer, DCASR, Boston.

Notification procedure:

Written or personal requests for information may be directed to the SYSMAN-AGER. For personal visits, positive identification such as a DLA identification card, driver's license, social security number or any identification containing a picture of the requestor must be presented. Written requests must contain full name, and social security number or date of birth.

Record access procedures:

Written or personal requests directed to the EEO Officer, DCASR, Boston.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

# Record source categories:

Forms filled out by individual employees and applicants. Participation in Skills Bank is voluntary. Data will be updated at the request of the individual candidate or applicant.

Systems exempted from certain provisions of the Act:

None.

MAURICE W. ROCHE, Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

JULY 15, 1977.

[FR Doc.77-21291 Filed 7-22-77;8:45 am]

Office of the Secretary of Defense PRIVACY ACT OF 1974

Amendments to Systems of Records

In FR Doc. 76-21185 published in the Federal Register of July 26, 1976, the Office of the Secretary of Defense set forth systems of records as prescribed by subsection 3(e) (4) and (11) of the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a) within the Office of the Secretary of Defense.

Notice is hereby given that the Office of the Secretary of Defense is amending certain of these systems of records. The proposed changes therein are not deemed to fall within the provisions of Office of Management and Budget (OMB) Circular A-108, Transmittal Memorandum No. 1, dated September 30, 1975, and Transmittal Memorandum No. 3, dated May 17, 1976, which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of personal records as required by the Privacy Act of 1974. This OMB guidance was set forth in the Federal Register (40 FR 45877) on October 3, 1975.

45877) on October 3, 1975.

Following a brief identification of the systems of records and the changes made therein, the complete revised systems of records, as amended, are pub-

lished in their entirety.

Interested persons are invited to submit comments, including written data, views, or arguments, concerning the proposed changes to the system manager identified in the specific notice on or before August 24, 1977. The systems of records will become effective within 30 days of the date of this publication (August 24, 1977), without further notice unless comments are received which result in a contrary determination.

#### DM&RA 12.0

System name:

DM&RA 12.0 Reserve Components Common Personnel Data System (RCCFDS) (41 FR 31049).

Changes:

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

Add the following routine use below the last use now indicated: "Records may be disclosed to the Director, Selective Service System upon official request."

Retention and disposal:

Delete the sentence: "Inventory files are current; one year's monthly inventory tapes and end of fiscal year inventories are maintained on a permanent basis," and insert the following: "Inventory files are current; quarterly history files for the master and transaction files are maintained on a permanent basis."

DM&RA 14.0

System name:

DM&RA 14.0 MARDAC Data Base (41 FR 31050).

Changes:

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Add the following routine use below the last use now indicated: "Name and address information of former military personnel obtained from the Veterans Administration or the Military Department may be released to a number of DoD Components for use in attempting to recruit and reenlist prior service per-

sonnel through direct contact methods. These components are as follows: U.S. Army Recruiting Command; U.S. Army Forces Command; Navy Recruiting Command; Chief of Naval Personnel; Chief of Naval Reserves; U.S. Air Force Recruiting Service; U.S. Air Force Tactical Air Command; Headquarters Air Force Reserve; National Guard Bureau; Headquarters, U.S. Marine Corps; District Directors, U.S. Marine Corps; Commanding General, 4th Marine Division; Commanding General, 4th Marine Air Wing; Commandant, U.S. Coast Guard."

#### DM&RA 12.0

#### System name:

DM&RA 12.0 Reserve Components Common Personnel Data System (RCCPDS).

#### System location:

Air Force Data Service Center, Room 1D167, The Pentagon, Washington, D.C. 20330.

Back-up locations for processing: U.S. Army Management System Support Agency, Room BD972, The Pentagon, Washington, D.C. 20310.

W. R. Church Computer Center, Naval Postgraduate School, Monterey, 93940.

National Military Command System Support Center, Room BE685, The Pentagon, Washington, D.C. 20331.

Categories of individuals covered by the system:

any Reserve or National Guard component, and retired reservists.

# Categories of records in the system:

File contains individual's Social Security Account Number, component, and other personnel information such as race, sex, rank, age, and length of service.

Authority for maintenance of the system: 10 U.S.C. 136.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose of the file is to generate statistics concerning Reserve Forces' strength, gains, losses, and characteristics of the force.

Office of the Deputy Assistant Secretary of Defense (Reserve Affairs) -used to generate and disseminate official statistics. Individual records are used to provide aggregate statistical data.

Any individual record contained in the system may be transferred to any other Department of Defense Component having the need-to-know in the performance of official business.

Records may be disclosed to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

Records of Federal civilian employees who are reservists may be disclosed to Federal agencies for use in emergency mobilization planning. Records may be disclosed to the Civil Service Commission concerning pay benefits, retirement deductions, and other information necessary for the Commission to carry out its Government-wide personnel management functions.

Records may be disclosed to the Director, Selective Service System upon official request.

Policies and practices for storing, retrieving, accessing, retaining and dispos-ing of records in the system:

Magnetic computer tape.

#### Retrievability:

Records are retrievable by component, rank, age, sex, location, or other attributes, including Social Security Account Number.

#### Safeguards:

The primary location is a TOP SE-CRET facility. The U.S. Army Manage-ment Systems Support Agency is a TOP SECRET facility. The National Military Command Systems Support is a TOP SECRET facility. Tapes located at the W. R. Church Computer Center, Monterey, CA. are stored in a locked cage in machine room, which is a controlled access area; tapes can be physically accessed only by computer center personnel and can be mounted for processing only if the appropriate security code is provided.

# Retention and disposal:

Inventory files are current; quarterly Any individual currently a member of history files for the master and transaction files are maintained on a permanent

# System manager(s) and address:

Deputy Assistant Secretary of Defense (Reserve Affairs), Room 3C980, The Pentagon, Washington, D.C. 20301.

#### Notification procedure:

Information may be obtained from: Assistant Director, Reserve Personnel Program, Office of the Deputy Assistant Secretary of Defense (Reserve Affairs), Room 3C980, The Pentagon, Washington, D.C. 20301. Telephone: Area Code 202-697-0624.

# Record access procedures:

Requests from individuals should be addressed to: Assistant Director, Reserve Personnel Program, Office of the Deputy Assistant Secretary of Defense (Reserve Affairs), Room 3C980, The Pentagon, Washington, D.C. 20301. Written requests for information

should contain the full name, Social Security Account Number, component, and current address and telephone number of the individual.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license, or military or other ID card.

# Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSTEM MANAGER.

# Record source categories:

Data records are obtained from the six Reserve components.

Systems exempted from certain provisions of the Act:

#### DM&RA 14.0

#### System name:

DM&RA 14.0 MARDAC Data Base.

#### System location:

Primary location: W. R. Church Computer Center, Navy Postgraduate School, Monterey, CA 93940.

Back-up locations for processing: Air Force Data Services Center, Room 1D167, The Pentagon, Washington, D.C. 20330.

U.S. Army Management Systems Support Agency, Room BD972, The Pentagon, Washington, D.C. 20310.

National Military Command Systems Support Center, Room BE685, The Pentagon, Washington, D.C. 20331.

Back-up files maintained at two offices of the DoD Manpower Research and Data Analysis Center, 7th Floor, 300 N. Washington St., Alexandria, VA 22314 and 2nd Floor, 550 Camino El Estero, Monterey, CA 93940.

Selected historic files are maintained

at Air Force Data Services Center, Room 1D167, The Pentagon, Washington, D.C. pursuant to court order in IBM antitrust case. These files will be withdrawn from current location when legally permissible.

Decentralized segments, military personnel research centers, and military personnel centers of the services; selected civilian contractors with research contracts in manpower area; other Federal agencies.

#### Categories of individuals covered by the system:

All officer and enlisted personnel who served on active duty from July 1, 1968 and later; or who have been a member of a reserve component since July 1975; or are retired reservists; participants in Project 100,000 and Project Transition and the evaluation control groups for these programs; all individuals examined to determine eligibility for military service at an Armed Forces Entrance and Examining Station from July 1, 1970, and later; DoD civilian employees or civilian employees separated since January 1, 1971; all veterans who have utilized Vietnam-era GI Bill education and training entitlements, who visited a State Employment Service office since July 1, 1971, or who participated in a Department of Labor special training program since July 1, 1971; all individuals who ever participated in an educational program sponsored by the U.S. Armed Forces Institute, all individuals who participated in the Armed Forces Vocational Aptitude Testing Programs at the high school level since September 1969, individuals who responded to various

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paid advertising campaigns seeking enlistment information since July-1, 1973; participants in the DHEW, Office of Education and Longitudinal Survey.

#### lategories of records in the system:

Name, Service Number, Selective Service Number, Social Security Account Number, demographic information such as home town, age, sex, race, and educational level, civilian occupational information, military personnel information such as rank, length of service, military occupation; aptitude scores, post-service education, training, and employment information for veterans; participation in various in-service education and training programs.

Authority for maintenance of the system: 10 U.S.C. 136.

Routine uses of records maintained in the sysem, including categories of users and the purposes of such uses:

The purpose of the system of records is to provide a longitudinal statistical analysis capability for assessing military manpower trends and evaluation programs impacting of military personnel, potential enlistees, and veterans.

Manpower Research and Data Analysis Center, used to analyze accession patterns and trends, promotion and occupation patterns and trends, loss pat-terns and trends, qualification rates, effectiveness of recruiting programs, participation in education and training programs, force characteristics, postservice experiences of veterans, evaluation of military special pays and bonuses; evaluation of special programs affecting military personnel; to select sample population for surveys; to provide statistical data to OMB, GAO, the Military Services, DoD civilian contractors, educational institutions and other Federal agencies.

Personnel Research and Personnel Management activities of the Military Services, uses are same as those specified above.

Veterans Administration, Management Sciences Staff, Reports and Statistics Service, Office of the Comptroller, used to select sample for surveys asking veterans about the use of veterans benefits and satisfaction with VA services.

Office of Research and Statistics, Social Security Administration, used for statistical analyses of impact of military service and use of GI Bill benefits on long term earning.

DoD Civilian Contractors, used by contractors performing research on manpower problems for statistical analyses.

Aggregate data and/or individual records contained in the record system may be transferred to other Federal agenices having legitimate use for such information and applying appropriate safeguards to protect data so provided.

Records may be disclosed to the Civil Service Commission concerning pay, retirement deductions; and other information necessary for the Commission to carry out its Governmentwide personnel management functions.

Any record contained in the system of Record access procedures: records may be transferred to any other component of the Department of Defense having the need-to-know in the performance of official business.

Name and address information of former military personnel obtained from the Veterans Admininstration or the Military Department may be released to a number of DoD Components for use in attempting to recruit and reenlist prior service personnel through direct contact methods. These components are as follows: U.S. Army Recruiting Command; U.S. Army Forces Command; Navy Recruiting Command; Chief of Naval Personnel; Chief of Naval Reserve; U.S. Air Force Recruiting Service; U.S. Air Force Tactical Air Command; Headquarters Air Force Reserve; National Guard Bureau; Headquarters, U.S. Marine Corps; District Directors, U.S. Marine Corps; Commanding General, 4th Marine Division; Commanding General, 4th Marine Air Wing; Commandant, U.S. Coast Guard.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system.

Magnetic computer tape.

#### Retrievability:

Retrievable by name. SSAN, age, occupation, or any other data element contained in system.

#### Safeguards:

Primary location; at W. R. Church Computer Center, tapes are stored in a locked cage in machine room, which is a controlled access area; tapes can be physically accessed only by computer center personnel and can be mounted for processing only if the appropriate security code is provided.

At back-up locations in Alexandria, VA and Monterey, CA tapes are stored in rooms protected with cypher locks, buildings are locked after hours, and only properly cleared and authorized personnel have access.

The Air Force Data Services Center, the U.S. Army Management Systems Support Agency, and the National Command Systems Support Center are all TOP SECRET facilities.

# Retention and disposal:

Files constitute a historical data base and are permanent.

# System manager(s) and address:

Director, Department of Defense Manpower Research and Data Analysis Center (MARDAC), 550 Camino El Estero, Monterey, CA 93940.

### Notification procedure:

Information may be obtained from: Director, Department of Defense Manpower Research and Data Analysis Center, 550 Camino El Estero, Monterey, CA 93940. Telephone: Area Code 408/646-2951.

Requests from individuals should be addressed to Director, MARDAC, 550 Camino El Estero, Monterey, CA 93940. Written requests for information

should contain the full name, Social Security Account Number, date of birth, and current address and telephone number of the individual.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license, or military or other ID card.

### Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSTEM MANAGER.

#### Record source categories:

The Military Services, the Veterans Administration, the Office of Education of the Department of HEW, from indi-viduals via survey questionnaires, the Department of Labor.

Systems exempted from certain provisions of the Act:

None.

MAURICE W. ROCHE, Director, Correspondence and Directives OASD (Comptrol-

JULY 15, 1977.

[FR Doc. 77-21290 Filed 7-22-77;8:45 am]

#### CHEMICAL PROPULSION ADVISORY COMMITTEE

#### Cancellation of Meeting

In FR Doc. 77-10567 which appeared . on page 37028 of the Federal Register of July 19, 1977, is hereby cancelled.

NAME: JANNAF Advisory Working Group on Safety and Environmental Protection, Hazard Evaluation Commit-

DATE: 2-4 August 1977.

PLACE: Ballistic Research Laboratory. Bldg. 330, Aberdeen Proving Ground, Md. 21005.

> D. C. BEATTY, Col., HQ USAF/RDPS, Chairman, JANNAF Safety and Environmental Protection, Working Group.

[FR Doc.77-21524 Filed 7-22-77;10:16 am]

# **ENVIRONMENTAL PROTECTION** -AGENCY

[OPP-50316; FRL 767-4]

#### AGRICULTURE DEPARTMENT, FOREST SERVICE, ET AL.

# Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 27686-EUP-22. U.S. Department of Agriculture, Forest Service, Washington, D.C. 20013. This experimental use permit allows the use of 45 pounds of the insecticide chlorpyrifos on pine trees to evaluate control of the southern pine bettle. A total of 144 trees is involved; the program is authorized only in the States of Alabama, Arkansas, Colorado, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, Tennessee, and Virginia. The experimental use permit is effective from June 15, 1977, to June 15, 1978.

authorized only in the States of Alabama, Arkansas, Colorado, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, Tennessee, and Virginia. The experimental use permit is effective from June 15, 1977, to June 15, 1978.

No. 27588-EUP-21. U.S. Department of Agriculture, Forest Service, Washington, D.C. 20013. This experimental use permit allows the use of 65 pounds of the insecticide carbaryl on pine trees to evaluate control of pine bettles. A total of 180 trees is involved; the program is authorized only in the State of Colorado. The experimental use permit is effective from June 17, 1977,

to June 17, 1978.

No. 27586-EUP-20. U.S. Department of Agriculture, Forest Service, Washington, D.C. 20013. This experimental use permit allows the use of 110 pounds of the insecticide chlorpyrifos-methyl on pine trees to evaluate control of southern and western pine beetles. A total of 284 trees is involved; the program is authorized only in the States of Alabama, Arkansas, Colorado, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, Tennessee, and Virginia. The experimental use permit is effective from June 15, 1977, to June 15, 1978.

to June 15, 1978.

No. 38334-EUP-1. Department of Entomology, University of Arizona, Tucson, Ariz. 85721. This experimental use permit allows the use of 100 grams of the pheromone (z,z)-7,11-hexadecadien-1-ol acetate and (z,E)-7,11-hexadecadien-1-ol acetate in traps placed in cotton to evaluate control of plnk bollworm. A total of 20,000 acres is involved; the program is authorized only in the State of Arizona. The experimental use permit is effective from June 15, 1977, to June 15, 1978.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

(Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).)

Dated: July 15, 1977.

Douglas D. Campt, Acting Director, Registration Division.

[FR Doc.77-21234 Filed 7-22-77;8:45 am]

[OPP-50314; FRL 767-3]

# ELANCO PRODUCTS CO., ET\_AL.

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 1471-EUP-43. Elanco Products Co., Indianapolis, Ind. 46206. This experimental use permit allows the use of 4,000 pounds of the herbicide tebuthiuron to evaluate brush control on rangelands and permanent pastures. A maximum of 4,000 acres is involved; the program is authorized on a maximum of 18 sites within selected States. All States except Alaska are potentially involved. The experimental use permit is effective from June 15, 1977, to June 15, 1978. Temporary tolerances for residues of the active ingredient in or on grasses (pasture and rangeland) and grass hay; liver and kidney of cattle, goats, horses, and sheep; in meat, fat, and meat byproducts of cattle, goats, horses, and sheep; and in milk have been established.

sheep; and in milk have been established. No. 1016-EUP-37. Union Carbide Corp., Washington, D.C. 20006. This experimental use permit allows the use of 573 pounds of the nematicide insecticide 2-methyl-2-(methylsulfonyl) propanol O-(methylamino) carbonyl) oxime also called 2-methyl-2-(methylsulfonyl) proprionaldehyde O-(methylcarbonyl) oxime on cotton to evaluate control of aphids, nematodes, fleahoppers, spider mites, and thrips. A total of 135 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Arizona, California, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. The experimental use permit is effective from June 3, 1977, to June 3, 1973. It has been determined that residues in or on cottonseed resulting from application of this pesticide will be permitted if in accordance with 40 CFR 180.269.

or on cottonseed resulting from application of this pesticide will be permitted if in accordance with 40 CFR 180.269.

No. 100-EUP-48, 100-EUP-49, 100-EUP-50, and 100-EUP-51. Ciba-Geigy Corp., Greensboro, N.C. 27409. These experimental use permits allow the use of 1,000 pounds of the insecticide O-(5-chloro-1-(methylethyl) - 1H - 1,2,4-triazol-3-yl) O,O-diethyl phosphorothicate on turf to evaluate control of chinch bugs, cutworms, mole crickets. sod webworms, and white grubs. No. 100-EUP-48 will use 200 pounds; and No. 100-EUP-50 will use 200 pounds; and No. 100-EUP-51 will use 300 pounds; and No. 100-EUP-51 will use 300 pounds. A total of 124.5 acres is involved in all four permits; the programs are authorized only in the 48 contiguous States, Hawaii, and Puerto Rico. The experimental use permits are effective from July 1, 1977, to July 1, 1978. The permits will use the same active ingredient, but different formulations.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before

visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

(Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).)

Dated: July 15, 1977.

Douglas D. Campt, Acting Director, Registration Division.

[FR Doc.77-21233 Filed 7-22-77;8:45 am]

# ENVIRONMENTAL PROTECTION AGENCY

[FRL 767-51

# MANAGEMENT ADVISORY GROUP TO THE MUNICIPAL CONSTRUCTION DIVISION

#### **Open Meeting**

Pursuant to Public Law 92–463, notice is hereby given that a meeting of the Management Advisory Group (MAG) to the Municipal Construction Division will be held at 9:00 a.m. on August 15–16, 1977. The meeting will be held at the Environmental Protection Agency's Region X Office, 1200 Sixth Avenue, Scattle, Washington.

The purpose of the meeting is to review and discuss the following subjects: MAG's Report on the National Water Quality Commission's Recommendations, Legislative Situations and EPA/EDA Jobs Bill Cooperation. Legislative Initiatives of the Administration, Municipal/Industrial Dicharge Enforcement Policy, Streamlining the Program, Grant and Project Processing Procedures, Operation and Maintenance Issues, Reuse and Recycling, Minority Enhancement in A/E and Construction Contracting, Pretreatment, Land Treatment, and Ocean Discharges.

The meeting will be open to the public. Any member of the public wishing to attend should contact the Executive Secretary, Mr. Harold P. Cahill, Jr., Director, Municipal Construction Division, EPA, Washington, D.C. 20460. The telephone number is area code 202-426-8986.

THOMAS C. JORLING, Assistant Administrator for Water and Hazardous Materials.

JULY 19, 1977.

[FR Doc.77-21367 Filed 7-22-77;8:45 am]

[FRL 766-1]

# MINNESOTA-WISCONSIN

### Joint Marine Sanitation Device Standard

On January 4, 1977, (42 FR 837), notice was published that the States of Minnesota and Wisconsin jointly had petitioned the Administrator, U.S. Environmental Protection Agency (the

NOTICES 37845

Agency) to determine that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the Minnesota-Wisconsin portions of Lake Superior, for the Mississippi River from the Iowa border to Lock and Dam No. 2 at Hastings, Minnesota, and for the St. Croix River from its mouth to Taylors Falls, Minnesota (42 FR 837, January 4, 1977). This petition was filed pursuant to Section 312(f) (3) of Pub. L. 92–500.

Section 312(f) (3) states:

After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such State require greater environmental protection, such State may completely prohibit the discharged from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply.

With respect to the Minnesota portions of Lake Superior, the State of Minnesota certifies that four pumpout facilities and thirteen septic tank pump truck operators are available to service vessels operating on the waters of Lake Superior. Of the four cited pumpout facilities, two are in Duluth; one is in Knife River, approximately 18 miles north of Duluth, and the fourth is in Grand Marais, approximately 110 miles north of Duluth. Of the thirteen cited septic tank pump truck operators, seven are in Duluth, two are in Two Harbors, approximately 28 miles north of Duluth, one is in Beaver Bay, approximately 52 miles north of Duluth, and one is in Grand Marais, approximately 110 miles north of Duluth. The remaining two cited septic tank pump trucks are located in Cloquet, approximately 18 miles southwest

The State of Minnesota also certified that Mr. Richard Amatuzio, owner and operator of North Star Marine Operators, of Duluth, had purchased a 5,000-gallon self-propelled barge for use in pumping out commercial vessels in the Duluth/Superior harbor. The State further certified that the barge is capable of reaching all docks in the harbor. Communication by the Agency with Mr. Amatuzio revealed that he has purchased a surplus U.S. Navy gasoline pumper barge for such an intended use.

The State of Minnesota certified that although the listed pumpout facilities handle only recreational vessels, the combination of fixed pumpout facilities and available septic tank pump trucks will exclude no vessel because of insufficient water depths adjacent to a facility, and further, that all wastes removed from vessels by either fixed pumpout facilities or by septic tank pumpers are required to be disposed of at a National Pollutant Discharge Elimination System (NPDES)-permitted facility, or on land in conformance with applicable Federal, State, and local requirements.

The State of Wisconsin certifies that pumpout facilities are available for recreational vessels at five sites in Bayfield, and at two sites in La Pointe in the Wisconsin portions of Lake Superior. The State further certifies that septic tank pump trucks are available to service recreational vessels at Ashland and at Superior and that septic tank pump trucks are available to service commercial vessels at Ashland and non-ore carrying commercial vessels at Superior. State indicates that because of the loading system used by the ore-carrying vessels (which represent about 50 percent of the commercial vessel traffic in Superior Harbor), it is not possible to pump sewage wastes from these vessels while at the ore docks. The State indicates, however, that it is possible for ore vessels to be serviced by septic tank pumpers from the grain-loading docks, either prior to being loaded with ore or prior to leaving the harbor.

Four comments were received in opposition to this application; of the four, three were from individuals and one was from the Lake Carriers Association. The communications from the private parties all stated that there are insufficient pumpout facilities for vessels operating on the Lake, and that the distances between available facilities is far too large. The Lake Carriers Association contends (and the State of Wisconsin acknowledges) that there is no possible way for a septic tank pump truck to be driven onto the ore-loading docks to pump out a vessel, because of the configuration and structure of the docks. The Lake Carriers Association acknowledges that it may be possible to have the ore boats pumped out by septic pumpers at the grain-loading docks; however, to do so, would require the ore vessel to be moved to the grain docks, causing added expense in addition to lost operating time, and would require space to be available at the grain docks for the orc vessel. The U.S. Coast Guard in Duluth/ Superior confirms that space at the grain docks often may not be available.

Investigations by the Agency reveal that approximately 2,200 commercial vessels used the Duluth/Superior harbor in 1976; these figures are confirmed by the U.S. Coast Guard. The State of Minnesota stated in their petition that information on commercial traffic at other harbors generally is not available; however, investigations by the Agency reveal that three Minnesota ports on the western shore of Lake Superior have commercial vessel traffic in significant amounts. Two Harbors, Silver Bay, and Taconite Harbor are all loading points for taconite ore extracted from the Mesabi Range. In 1976, approximately 280 commercial vessels called at Two Harbors (confirmed by the Duluth, Mesabi, and Iron Range Mining Company), approximately 565 commercial vessels called at Silver Bay (confirmed by the Reserve Mining Company), and approximately 360 commercial carriers called at Taconite Harbor (confirmed by the Erie Mining Company).

Further investigations by the Agency revealed that there are no pumpout facilities available for commercial ore vessels in Duluth/Superior, Two Harbors, Silver Bay, or Taconite Harbor. Septic tank pumpers cannot service the ore docks in Duluth/Superior. It was also found that no commercial ore vessel had been pumped out by a septic tank pumper in Two Harbors, Silver Bay, or Taconite Harbor.

Discussions by the Agency with Mr. Amatuzio as recently as May 10, 1977, confirm that his self-propelled pumper barge is still not operational, even though it has been approved for operation by the U.S. Coast Guard. It is the Agency's understanding that operation of the barge will require a financial commitment by the State to cover a portion of the first year's operating costs, and that this requirement has not been met. Fumpout facilities are not now adequate for commercial vessels.

Following an examination of the petition and the supporting information, as well as the additional information ascertained by the Agency, and a consideration of all comments received pursuant to the January 4 Federal Register notice, I have determined that adequte facilities for the safe and sanitary removal and treatment of sewage from all vessels are not reasonably available for the Minnesota-Wisconsin portions of Lake Superior. This determination is made pursuant to Section 312(f) (3) of Pub. L. 92-500.

With respect to the Mississippi River from the Iowa border to Lock and Dam No. 2 at Hastings, Minnesota, and the St. Croix River from its mouth to Taylors Falls, Minnesota, the State of Minnesota certifies that four pumpout facilities are available to service vessels on the St. Croix River, and ten pumpout facilities are available to service vessels on the Mississippi River. One of the ten pumpout facilities cited on the Mississippi is a gasoline service station located more than a quarter-mile from the river. In addition, the State of Minnesota certifies that seventeen septic tank pump truck operators are available to service commercial vessels on the Mississippi and St. Croix Rivers. Of the seventeen, three are located in municipalities on the St. Croix River, eight are located in municipalities on the Mississippi River, two (Leon D. Gilbert and Caleb Tentis) are located in a municipality approximately four miles from the Mississippi, one (Roger F. Weierke) is located in a municipality approximately six miles from the Mississippi, one (Bob Freiermuth Sanitation Service) is located in a municipality approximately 14 miles from the Mississippi, one (Marty's Sewer Service) is located in a municipality approximately 6 miles from the St. Croix and 10 miles from the Mississippi, and one (A&B Sanitation Service) is located in a municipality approximately 16 miles from the St. Croix and 10 miles from the Mississippi.

The State of Minnesota also certifies that additional pumpout facilities are

available farther upstream adjacent to the Mississippi River. The State points out that a majority of towboats use the commercial pumpout facility in St. Paul for taking on fuel, effecting repairs, and pumping out sewage. However, it should be noted that the facility referred to by the State, Twin City Barge and Towing Company, is 18 river miles north of the northern limit of this petition.

The State of Minnesota believes that the combination of stationary pumpout facilities and septic tank pumpers will exclude no vessels because of insufficient water depth. Although the stationary pumpouts handle recreational vessels primarily, the septic tank pumpers are, to the best of the State's knowledge, able to reach all docks, recreational and commercial. In addition, the State of Minnesota has certified that all wastes from vessels removed at stationary pumpout facilities and by septic tank pumpers are required to be disposed of at an NPDESpermitted facility or applied on land in conformance with applicable Federal, State, and local requirements.

The information submitted to me by the State of Wisconsin pertaining to the Mississippi and St. Croix Rivers certifies that two pumpout facilities (both in the same municipality) are available to service vessels on the St. Croix River, and eleven pumpout facilities (in four municipalities) are available to service vessels on the Mississippi River. The four municipalities (Prescott, Pepin, Alma, and LaCrosse) are separated by distances of 44, 15, and 54 river miles respectively; there is an additional distance of 24 river miles from LaCrosse to the southern limit of this petition, terminating at the northern Iowa border. The State believes that the distances between. pumpout facilities do not cause any hardship to recreational craft. The State of Wisconsin indicates that there are no "in-place" pumpout facilities for commercial vessels along the Mississippi within the limits of this petition, but states that towboats have used facilities to the north and south of the Wisconsin portions of the river (in Minnesota and Illinois, respectively) in the past. The State claims that it is possible to service towboats by septic tank pump trucks in LaCrosse; however, neither numbers of available tank trucks nor operators of such trucks are specified. It should be noted that LaCrosse is 135 river miles south of Twin City Barge and Towing Co., in St. Paul, which is, as noted above, 18 river miles beyond the northern limits of this petition.

Twelve comments were received in opposition to this application: of the twelve, one was from an individual and eleven were from commercial barge and towboat operators. The private communication stated that the individual was aware from personal experience that present pumpout facilities are often neither safe nor sanitary: equipment does not function properly, hoses break or come unfastened, spillage is common, and most marina personnel are not

trained in waste handling. In addition, the commenter states that in his view adequate and reasonably available pumpout facilities do not exist in this area.

The communications from the commercial barge and towboat operators made several points:

- (1) In none of the pumpout facilities cited by the States of Minnesota and Wisconsin is there sufficient depth of water to allow a towboat drawing 8½ to 9 feet of water to enter the facility to pump out.
- (2) Even assuming a towboat could get into the marina, in most cases there is insufficient room to maneuver a 140 to 160 foot towboat up to a dock in order to pump out. To attempt to do so would result in a potentially severe danger to other boats, docking areas, hoselines and people.
- (3) Even assuming a pumpout facility existed that could accommodate a vessel the size and weight of a commercial tow-boat in order to pump out, no method exists to safely moor the barges, which total approximately 60 million pounds deadweight.
- (4) In one of the twelve pumpout facilities cited by the State of Wisconsin and in two of the ten pumpout facilities cited by the State of Minnesota, a pumpout capability does not exist. This is confirmed in signed statements by the facility owners.
- (5) One of the twelve pumpout facilities cited by the State of Wisconsin in its petition of June 13, 1975, was out of operation.

The State of Wisconsin indicates that there are no "in-place" pumpout facilities for commercial vessels along the Mississippi River within the limits of this petition, and further, that public dockage for commercial towboats generally is not available. Although the State claims it is possible to service towboats by septic tank pump trucks at LaCrosse, no available septic tank pumpers have been identified by the State.

In summary, although the evidence submitted reveals that adequate facilities for the removal of sewage from recreational vessels are reasonably available for both the Mississippi and St. Croix Rivers, the information available also reveals that there are neither identified pumpout facilities for the removal of sewage from commercial towboats operating on the portion of the St. Croix River addressed by this petition, nor are there reasonably available pumpout facilities for the removal of sewage from commercial vessels operating on the portion of the Mississippi River addressed by this petition.

Following an examination of the petition and the supporting information, as well as the additional informtion ascertained by the Agency, and a consideration of all comments received pursuant to the January 4 Federal Register notice, I have determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are not reasonably

available for the Mississippi River from the Iowa border to Lock and Dam No. 2 at Hastings, Minnesota, and for the St. Croix River from its mouth to Taylors Falls, Minnesota. This determination is made pursuant to Section 312(f) (3) of Pub. L. 92-500.

Dated: July 15, 1977.

BARBARA BLUM, Acting Administrator.

[FR Doc.77-21232 Filed 7-22-77;8:45 am]

[OPP-50317; FRL 766-7]

# MONSANTO AGRICULTURAL PRODUCTS CO., ET AL.

#### Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 524-EUP-35. Monsanto Agricultural Products Company, St. Louis, Missouri 63166. This experimental use permit allows the use of 800 pounds of the herbicide alachlor on corn to evaluate control of various grasses and broadleaf weeds, especially sandburs. A total of 400 acres is involved; the program is authorized only in the States of Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Carolina, Ohlo, South Dakota, and Wisconsin. The experimental use permit is effective from May 27, 1977, to May 27, 1978. A permanent tolerance for residues of the active ingredient in or on corn has been established (40 CFR 180.249).

tolerance for residues of the active ingredient in or on corn has been established (40 CFR 180.249).

No. 4090-EUP-24. Gulf Oils Chemical Company, Merriam, Kansas 66202. This experimental use permit allows the use of 393 pounds of the herbicide butam on soybeans and peanuts to evaluate broad

spectrum weed control. A total of 100.8 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Delaware, Fforida, Georgia, Jilinols, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Nebraska, New Jersey, New York, North Carolina, Ohlo, Oklahome, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wisconsin. The experimental use permit is effective from June 27, 1977, to June 27, 1978. This permit is being issued under the condition that all treated crops are destroyed or used for research pur-

poses only.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes, These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday. (Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).)

Dated: July 15, 1977.

DOUGLAS D. CAMPT, Acting Director, Registration Division.

[FR Doc.77-21235 Filed 7-22-77;8:45 am]

# [OPP-31011; FRL 766-8] PENNWALT CORP., ET AL.

Receipt of Applications to Register Pesticide Products Entailing Changed Use **Patterns** 

Applications to register pesticide products entailing changed use patterns have been made to the Environmental Protection Agency (EPA). Notice of receipt of these applications are given in accordance with the provisions of Section 3(c) (4) of FIFRA (40 CFR 162.-2(b)(6)) and does not indicate a decision by this Agency on the applications.

Any Federal agency or other interested persons are invited to submit written comments on any applications to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must be received within 30 days from the publication of this notice and should bear a notation indicating the EPA File Symbol number of the applications to which the comments pertain. Comments received within the specified time period will be considered before a final decision is made with respect to the pending applications. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the applications. Specific questions concerning the following applications should be directed to the designated Product Manager (PM), Registration Division (WH-567),-Office of Pesticide Programs, at the above address or by telephone.

Notice of approval or denial of the applications to register the pesticide product listed will be announced in the Feb-ERAL REGISTER. The label furnished by each applicant as well as all written comments will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: July 15, 1977.

DOUGLAS D. CAMPT, Actina Director Registration Division.

#### APPLICATIONS RECEIVED

PA Reg. No. 4581-223. Pennwalt Corp., Agchem Div., PO Box C, King of Prussia EPA Reg. PA 19406. HERBICIDE 273. Active Ingredients: Dipotassium salt of Endothall (7oxabicyclo[2.2.1]-heptane - 2,3 - dicarboxylic acid equivalent 28.6%) 40.3%, Application proposes a change in the use pattern ppm; \* \* \*." tion proposes a change in the use pattern from ground application to include serial application. Application also proposes that the product be classified for general use. PM24 (202/755-2196)

EPA File Symbol 40810-R. Ciba-Gelgy Corp., Plastics and Additives Division, 444 Saw Mill River Rd., Ardsley, NY 10502. IRGA-ROL B1549. Active Ingredients: Triphenyl lead acetate 90%. Application proposes a change in the use pattern from fermulated product to technical chemical. Application also proposes that the product be classified for restricted use. PM24 (202/ 755-2196)

[FR Doc.77-21236 Filed 7-22-77;8:45 am]

# [PF75; FRL 767-2] PESTICIDE PROGRAMS Filing of Pesticide Petition

Dow Chemical Company, P.O. Box 1706, Midland MI 48640, has submitted a petition (PP 7F1970) to the Environmental Protection Agency which proposes the establishment of a tolerance for residues of 6-chloropicolinic acid resulting from the use of the microbiccide nitrapyrin [2-chloro-6-(trichlorometh-yl) pyridine] in or on the raw agricultural commodities potatoes at 1 part per million (ppm); endive, grain crops (except rice), lettuce, sugar beets (tops and roots) and tomatoes at 0.1 ppm. The proposed analytical method for determining residues of the metabolite is a gas chromatographic method.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning this petition may be directed to Product Manager (PM) 24, Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at 202-755-2196. Written comments should bear a notation indicating the petition number. Comments may be made at any time while a petition is pending before the Agency. All written comments filed will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: July 15, 1977.

DOUGLAS D. CAMPT, Acting Director, Registration Division.

[FR Doc.77-21237 Filed 7-22-77;8:45 am]

# [PF73A; FRL 767-1] PESTICIDE PROGRAMS

Filing of Pesticide Petition; Correction

In FR Doc. 77-18660, appearing on page 33363 in the issue of June 30, 1977, first paragraph, the 15th line down should read "broccoli at 2.0 parts per

Dated: July 15, 1977.

DOUGLAS D. CAMPT, Acting Director. Registration Division.

[FR Dec.77-21238 Filed 7-22-77;8:45 am]

[OPP-30135; PRL 767-6] PESTICIDE PROGRAMS

Receipt of Applications To Register Pesticide Products Containing New Active Ingredients

Applications have been submitted to the Environmental Protection Agency (EPA) to register pesticide products containing active ingredients which have not been included in any previously registered pesticide products. Notice of receipt of these applications is made in accordance with the provisions of Sections 3(c) (4) of FIFRA (40 CFR 162.6 (b) (6)) and does not indicate a decision by the Agency on the applications.

Any Federal agency or other interested persons are invited to submit written comments on any applications to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspect-ing them. The comments must be received within 30 days from the publication of this notice and should bear a notation indicating the EPA File Symbol number of the application to which the comments pertain. Comments received within the specified time period will be considered before a final decision is made with respect to the pending applications. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Notice of approval or denial of the applications to register pesticide produces listed will be announced in the Federal Register. The labels furnished by each applicant as well as all written comments filed will be available for public inspection in the Office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: July 13, 1977.

DOUGLAS D. CAMPT. Acting Director Registration Division.

APPLICATIONS RECEIVED

EPA File Symbol 1471-RRN. Elanco Products Co., Box 1750, Indianapolis IN 46206. NI-BROXANE. Active Ingredients: 5-bromo-2-methyl-5-nitro-1,3-dioxane 100%. Application proposes that this product be c sified for general use as a bacterial and fungal preservative. PM 33 EPA File Symbol 372-LR. Mallinckrodt, Inc.

3608 N. Second St., St. Louis MO 63147. MELTATOX. Active Ingredients: 4-cyclododecyl-2,6-dimethylmorpholinium acetate

43%. Application proposes that this product be classified for restricted use as a packing mildew on roses. PM21

EPA File Symbol 677-GEI. Diamond Shamrock Corp., Agricultural Chemicals Div., 1100 Superior Ave., Cleveland OH 44114. DECAMOX ST. Active Ingredients: Thiofanox (3,3-dimethyl-1-(methylthio)-2-butanone 0-[(methylamino)carbonyl]-oxime 39.4%. Application proposes that this product be classified as a mittelde insecticide for restricted use for seed treatment on cotton. PM12

PA File Symbol 677-GET. Diamond Shamrock Corp., Agricultural Chemicals Div., 1100 Superior Ave., Cleveland OH 44114. DACAMOX 10G. Active Ingredients: Thiofanox (3,3-dimethyl-1-(methylthio-2-butanone 0-[(methylamino)carbonyl]-oxime 10%. Application proposes that this product be classified as a miticide insecticide for restricted use for soil treatment on cotton. PM12

[FR Doc.77-21366 Filed 7-22-77;8:45 am]

#### [FRL 768-1]

# SCIENCE ADVISORY BOARD ECOLOGY ADVISORY COMMITTEE

#### **Open Meeting**

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Ecology Advisory Committee of the Science Advisory Board will be held on August 15-16, 1977, beginning at 8:30 a.m. in Conference Room 11G, Environmental Protection Agency, Region X Office, 1200 6th Avenue, Seattle, Washington.

This is the thirteenth meeting of the Ecology Advisory Committee. The Agenda includes briefings on the role of the Regional Office in EPA's operational programs, Region X Water Program, Region X Air and Hazardous Materials Program, Region X Enforcement Operations, Region X Surveillance and Analysis Operation, and the relation of the Office of Research and Development to Regional operations; discussion of possible roles of the Ecology Advisory Committee in Regional Office affairs/programs; report on Science Advisory Board activities; presentation and consideration of the Ad Hoc Study Group report on "Biologi-cal and Climate Effects Research (BACER)--Effects οf Stratospheric Modification:" Modification;" discussion on river drainage basin ecosystems research; river reports on annual program reviews of EPA's Environmental Research Laboratories at Research Triangle Park, North Carolina, at Gulf Breeze, Florida, at Corvallis, Oregon, and at Duluth, Minnesota; discussions on the National Research Council's report, "Research and Development in the Environmental Protection Agency," future Committee meetings and activities, and member items of interest.

The meeting is open to the public. Any member of the public wishing to attend, participate or obtain information should contact Dr. J Frances Allen, Executive Secretary, Ecology Advisory Committee, (703) 557-7720.

Dated: July 20, 1977.

RICHARD M. DOWD, Staff Director, Science Advisory Board.

[FR Doc.77-21368 Filed 7-22-77;8:45 am]

[FRL 767-8]

SCIENCE ADVISORY BOARD, TECHNOL-OGY ASSESSMENT AND POLLUTION CONTROL ADVISORY COMMITTEE

#### **Open Meeting**

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Technology Assessment and Pollution Control Advisory Board will be held beginning at 8:30 a.m., August 12, 1977, in Room 1101 (West Tower) U.S. Environmental Protection Agency, Waterside Mall, 401 M Street, S.W., Washington, D.C.

This meeting is a regularly scheduled meeting of the Committee. The Committee will review a draft report on its assessment of the quality of EPA's research and development related to pollution control technology, discuss future Committee activities, and member items of interest.

The meeting is open to the public. Any member of the public wishing to attend or submit a paper should contact Lloyd T. Taylor, Executive Secretary, Technology Assessment and Pollution Control Advisory Committee. (703) 557-7720, by c.o.b. August 8, 1977.

RICHARD M. DOWD, Staff Director, Science Advisory Board.

JULY 20, 1977.

[FR Doc.77-21369 Filed 7-22-77;8:45 am]

### FEDERAL COMMUNICATIONS COMMISSION

#### **BROADCAST STATIONS**

# Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standards broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Canadian list No. 364, June 27, 1977

| Call<br>letters | Location  | Power<br>(kilowatts)    | Antenna | Schedule | Class | Antenna Ground system height Number Length (feet) of (feet) of operation radials  Cround system Proposed date of commencement of operation |
|-----------------|---|-------------------------|---------|----------|-------|--|
| CFQC            | Saskatoon, Saskatchewan, N. 52°06′43″, W. 106°46′25″ (PO 5 kW, DA-<br>N. ND-D-175).   |                         | DA-2    | υ        | ш     | EIO June 27, 1978,   |
| ckck            | Regina, Saskatchewan, N. 50°19'59" W. 104°37'18" (PO 5 kW, DA-N, ND-D-194) (correction of geographical coordinates from N. 50°19'28",     | 620 l:Hz<br>10          | DA-2    | υ        | m     | Do.  |
| CKRC.           | W. 104°37′18").  Winnipeg, Manitoba, N. 49°48′51", W. 97°07′57" (correction of geographical coordinates from N. 49°48′00", W. 97°08′07"). | 630 kHz<br>10           | DA-2    | υ        | ш     |  |
| сніс            | Brampton, Ontario, N. 43°35′20″, W. 79°52′54″ (now in operation)  | 790 kHz<br>5<br>900 kHz | DA-2    | υ        | ш     |  |
| OHML.:          | Hamilton, Ontarlo, N. 43°20'00", W. 80°07'15" (PO 5 kW, DA-1, N. 43°10'52", W. 79°41'07".)  |                         | DA-2    | σ        | II    | Do.  |

| Call<br>letters | Location  | Power<br>(kilowatis)             | Antenna                  | Echedula | Class | Antenna Ground system  height Number Length (feet) of (feet) radials  Ground system  Proposed date of commencement of operation |
|-----------------|---|----------------------------------|--------------------------|----------|-------|---|
| CKLY            | Lindsay, Ontario, N. 44°16′41″, W. 78°41′57″ (change in antenna radiation patterns) (PO 1 kW, DA-1) (conditional upon successful implementation of frequency change from 910 to 920 kHz by CBO, Ottawa, | 910 kHz<br>10D/3N                | DA-2                     | υ        | ш     | ***************************************   |
| CFLS            | Ontario).<br>Levis, Quebec, N. 46°48'20", W. 71°08'37" (PO N. 46°47'50", W. 71°05' 33", 1240 kHz, 0.25 kW, ND-184, U. IV).  | 020 kii:<br>1                    | DA-N                     | υ        | m     | EIO Aug. 20, 1977.  |
| CKWX            | Vancouver, British Columbia, N. 43°05'22", W. 123°04'00" (PO DA-N, ND-D-190, N. 49°10'48", W. 123°04'35").  |                                  | DA-1                     | σ        | I-B   | EIO June 27, 1978.  |
| CFIX            | Cornwall, Ontario, N. 45°00'27", W. 74°37'05", (change of call letters from CFML).  |                                  | DA-D                     | a        | n     | ***************************************   |
| СЈВК            | London, Ontario; N. 42°52'08", W. 81°13'58" (change in daytime antenna radiation pattern) (PO 10 kW, D'A-1).  |                                  | DA-2                     | υ.       | 111   | Do.   |
| CFBQ            | Parry Sound, Ontario, N. 45°20'42", W. 80°01'23" (change of call letters from CKAR-1).  |                                  | ND-182                   | σ        | w     | 122 120 132-325   |
| CKVT            | Temiscamingue, Quebec, N. 46°44′06″, W. 79°03′30″ (PO 0.25 kW)  | 1810 kHz<br>1D70.25N<br>1570 kHz | ND-185                   | υ        | īv    | 170 120 293 Do.   |
| CFOR            | Orillia, Ontario, N. 44°35′53″, W. 79°20′22″ (PO 10D/1N, ND-260, 290, 120, 251).  | 10D/5N                           | <i>DA-N</i><br>ND-D-200. | υ        | п     | Do.   |

WALLACE E. JOHNSON, Federal Communications Commission, Chief, Broadcast Bureau.

#### [FR Doc.77-21090 Filed 7-22-77;8:45 am]

# PRIVATE LAND MOBILE ADVISORY COMMITTEE

### Notice of Meeting

In preparation for the 1979 World Administrative Radio Conference (WARC), the Private Land Mobile Advisory Committee, headed by Neal Pike, will hold a meeting on August 11, 1977, in Washington, D.C. The meeting will be held in Conference Room 7327, Federal Communications Commission, 2025 M Street, N.W., at 9:00 A.M. The purpose of the meeting is to consider reply comments in Docket 20271, Fifth Notice of Inquiry for a General World Administrative Conference in 1979. The meeting is open to the public and will be conducted in accordance with the following agenda.

- 1. Call of the agenda.
- 2. Opening remarks of the Chairman.
- 3. Consideration of reply comments in Fifth-Notice of Inquiry, Docket 20271.
  - 4. Further Business.
  - 5. Adjournment.

FEDERAL COMMUNICATIONS COMMISSION,

VINCENT J. MULLINS, .

Secretary.

[FR Doc.77-21295 Filed 7-22-77;8:45 am]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration
MEDICAL ASSISTANCE PROGRAM

Handbook of Public Assistance Administration Supplement D; Proposed Revocation

AGENCY: Health Care Financing Administration, HEW.

ACTION: Notice of intent.

SUMMARY: This notice proposes to revoke Handbook of Public Assistance Administration Supplement D, Medical assistance Programs Under Title XIX of the Social Security Act. All material in Supplement D either has been superseded or is no longer applicable. The proposal would result in Supplement D's use as precedent material only.

DATES: Closing date for receipt of comments: September 8, 1977. Please refer to MSA-208-NI. Agencies and organizations are requested to submit comments in duplicate.

ADDRESSES: Address written comments to: Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare, PO. Box 2366, Washington, D.C. 20013.

Box 2366, Washington, D.C. 20013.

Beginning two weeks from today, the public may review comments on Monday through Friday of each week, from 8:30 a.m. to 5 p.m.: Department of Health, Education, and Welfare, Health Care Financing Administration, Room 5225, 330 C Street S.W., Washington, D.C., 202–245–0950.

FOR FURTHER INFORMATION CONTACT:

Pat Hufford, 245-1960.

SUPPLEMENTARY INFORMATION: Supplement D of the Handbook of Public Assistance Administration contains certain requirements, interpretations, informational materials, and instructions for the administration of the medical assistance program under title XIX of the Social Security Act. Supplemental D was initially issued June 17, 1966. Additional transmittals were issued as needed.

On August 11, 1975 (40 FR 33697), Parts I, II, and III, and Supplements A, B, and C of the Handbook were revoked. All material in those parts and supplements had been either superseded by regulations published in 45 CFR Chapter II, reissued in Social and Rehabilitation Service instructions or interpretations, or outdated by statutory revisions.

Supplement D was not revoked at that time because of one provision which was still in effect and had not been superseded or reissued. Section D-5840, Pooled Funds, of Part D-5809, Federal Financial Participation in Medical Assistance Programs, allowed a public assistance agency to establish, maintain, and operate a pooled fund for medical care. The States that used a pooled fund have since closed them; the last as of September 30. 1976.

The Department now proposes to revoke Supplement D. Although it is still useful as precedent material, it is not to be relied on as current policy.

(Section 1102, 49 Stat. 647 (42 U.S.C. 1302).)

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program).

Note.—The Health Care Financing Administration has determined that this document does not require preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: June 20, 1977.

ROBERT A. DERZON,
Administrator, Health Care
Financing Administration.

Approved: July 19, 1977. JOSEPH A. CALIFANO, Jr., Secretary.

[FR Doc.77-21312 Filed 7-22-77;8:45 am]

# FEDERAL ENERGY ADMINISTRATION

# DOMESTIC CRUDE OIL ALLOCATION PROGRAM

**Entitlement Notice for May 1977** 

In accordance with the provisions of 10 CFR § 211.67 relating to FEA's domestic crude oil allocation program the monthly notice specified in § 211.67(i) is hereby published.

Based on reports for May 1977 submitted to FEA by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports and imported naphtha utilized as a petrochemical feedstock in Puerto Rico, application of the entitlement adjustment for residual fuel oil production for sale in the East Coast market provided in § 211.67(d) (4), and application of the entitlement adjustment for small refiners provided in § 211.67(e), the national domestic crude oil supply ratio for May 1977 is calculated to be .280251.

In accordance with § 211.67(b) (2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of May 1977, each barrel of old oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to .337398 of a barrel of deemed old oil.

The issuance of entitlements for the month May 1977 to refiners and other firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR § 211.67(i) (4), FEA hereby fixes the price at which entitlements shall be sold and purchased for the month of May 1977 at \$8.77, which is the exact differential as reported for the month of May between the weighted average per barrel costs to reiners of old oil and of imported and exempt domestic crude oil, less the sum of 21 cents.

In accordance with 10 CFR  $\S 211.67(b)$ , each refiner that has been issued fewer entitlements for the month of May 1977 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of May 1977 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of May 1977 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for that month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for reporting errors for the months September 1975 through April 1977 pursuant to 10 CFR § 211.67(j) (1).

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by FEA pursuant to § 211.67(h).

The listing contained in the Appendix identifies in a separate column additional entitlements issued to refiners pursuant to relief granted by FEA's Office of Exceptions and Appeals. Also set forth in this column are the adjustments for relief granted by the Office of Exceptions and Appeals for 1975, which adjustments are being reflected in monthly installments commencing with the September 1976 entitlement notice. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, see Beacon Oil Company, et al, 4 FEA par. 87,024 (November 5, 1976).

For the purposes of the adjustments to refiners' crude run volumes under § 211.67(d) (4), total production of residual fuel oil for sale in the East Coast market (in excess of the first 5,000 barrels per day thereof for each refiner reporting such production) was 8,997,774 barrels for May 1977. For that month, imports of residual fuel oil eligible for entitlement issuances totaled 26,549,034 barrels.

The total number of entitlements required to be purchased and sold under this notice is 23,920,624.

Payment for entitlements required to be purchased under 10 CFR § 211.67(b) for May 1977 must be made by July 31, 1977.

On or prior to August 10, 1977, each firm which is required to purchase or sell entitlements for the month of May 1977 shall file with FEA the monthly transaction report specified in 10 CFR § 211.66(i) certifying its purchases and sales of entitlements for the month of May. FEA has mailed the monthly transaction report forms for the month of May to reporting firms. FEA requests that firms which have been unable to locate other firms for required entitlement transactions by July 31, 1977, contact FEA at 202-254-6296 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to July 31, 1977, FEA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR § 211.67(k).

This notice is issued pursuant to Subpart G of FEA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with FEA's Office of Exceptions and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before August 24,

Issued in Washington, D.C., on July 19, 1977.

ERIC J. FYGI, Acting General Counsel.

| *******<br>REQUIRED<br>TO SELL         | ### ### ### ### ###################### | 60,46<br>133,98                         | 47,65   | 866 12 12 12 12 12 12 12 12 12 12 12 12 12  | 152,815<br>153,551<br>50,967<br>22,772                                      | 235,943<br>.2,557,931<br>19,414 | 676,518<br>826,211<br>13,921<br>1,372,969<br>106,571<br>305,571                   |
|--|--|---|---|---|---|---------------------------------|---|
| T I O N<br>REGUIRED<br>ID BUY          | 0<br>0<br>708,839                      | 4,219,171                               | 22 TO                         | 0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0 | 9#6,*EZ#<br>0<br>0<br>0<br>0  | 8,77                            | •   |
| TI P O S I<br>IO MONTH<br>CLEANSUP     |  |   |   | 90000   | <b>606</b> 000  | 00000                           | 00000000  |
| TTLEMEN<br>PRODUCT<br>ENTILEMENTS      |  | 6 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 |   |   |   | 37,039<br>19,414                | 13,923<br>13,993<br>13,994<br>356,908   |
| E N T                                  | 0000                                   |   | 6,75<br>0,00<br>0,00<br>0,00<br>0,00<br>0,00<br>0,00<br>0,00<br>0 | 0<br>0<br>0   | 000000  | 107,935                         | 255,769   |
| ********<br>Total Es                   | 11386                                  | อดเล                                    | 2007<br>2007<br>2007<br>2007<br>2007                              |   | 13737<br>1473<br>1573<br>1573<br>1573<br>1573<br>1573<br>1573<br>1573<br>15 |                                 | 1,024,410<br>1,1074,410<br>13,923<br>1,376,746<br>1,378,769<br>156,934<br>660,759 |
| DEFMED ALO UIL<br>ADJUSTED<br>RECEIPTS | 63,42                                  | 114,64<br>661,54<br>433,16              | 75,57<br>173,53<br>173,53   | 68,428<br>56,721<br>245,435   | 106.42<br>73.06<br>111.88   | 50 V                            | 347,892<br>280,857<br>3,448,789<br>430,8957<br>50,363<br>355,075                  |
| DEEME<br>AD<br>Re                      | លិរ                                    | <u></u><br>ภูญาณ                        | ı, <del></del>  |   | •   | מ מ                             | hv  |

| *******<br>Reguired<br>To sell         | 0.25.327      |            | 77,880      |          | 00      | 67.9       | 111,971 | 6119       | 9646    | 7,60   |                 | 1,172,459     | 7,17       |         | 40 J 86  | 168,796     | 52 52<br>52 | 2,76     | 7,05   | 1,90      | ,61    | 5,67   |               | 07 96    | 6716     | 58,50        | 98,68    | 1,64      | 29,41 |            | 80,21    | 9,90  | 0,19    |
|--|---------------|------------|-------------|----------|---------|------------|---------|------------|---------|--------|-----------------|---------------|------------|---------|----------|-------------|-------------|----------|--------|-----------|--------|--------|---------------|----------|----------|--------------|----------|-----------|-------|------------|----------|-------|---------|
| T I D N<br>REGUIRED<br>TO, BUY         | 23,613        | 15,731     | •           | 220,791  | c       | G          | 6       | O.         | •       |        | 9,781           |               |            | 743,982 | C        | C           | c           | c        |        | 0         | C      |        | 36,337        | 0        | 0        | C            | C        | 0         |       | 2,895,490  | <b>.</b> | c     | 0       |
| T P O S I<br>10 MONTH<br>CLEAN-UP      | 00            | C          | •           | <b>.</b> | c       | č.         | c       | ø          | 0       | c      | 0               | 0             | 0          | c       | c        | 0           | <b>c</b> >  | <b>•</b> | c      | 0         | c      | c      | 0             | 0        | C        | C            | 0        | c         | C     | C          | Ø        | G     | 0       |
| T L E M E N<br>PRODUCT<br>NIJILEMENIS  | , <b>c</b> c  | • 0        | G           | 0        | 0       | 0          |         | 66,197     | 0       | 0      | 0               | 0 (           |            | 439,559 | 0        | 0           | 0           | -        | 0      | 0         | 0      | 0      | C             | a        | 0        | 0            | c        | 0         | 0     | 45,705     | 0        |       | 40,196  |
| ENTI<br>XCEPTIONS<br>APPEALS E         | ٥٥            | #26,222°   | }<br>!<br>• | <b>o</b> | 0       | 0          | 0       | ©<br>`     | Ö       | 0      | 182,90          | ō             | 0          | ō       | . 0      | 0           | 0           | 0        | 0      | C         | O      | 0      | <b>c</b>      | .e       | 0        | 0            | 0        | 0         | 0     | C          | 0        | 0     | 0       |
| *******<br>Total<br>Issued and         | 194,900       | 7,0        | 98,27       | 0,82     | 2,00    | 2,44       | +       | 6119       | 3,70    | 1,38   | 9,78            | 07,25         | 44,07      | 21,34   | 156,22   | 1,38        | 52,52       | 2,81     | 56,37  | 43,68     | 7,36   | 43,39  | 57,50         | 57,63    | 53,18    | 57,14        | 58,29    | 45,89     | 29,41 | 8,68       | 59,01    | 06196 | 119     |
| DEEMED OLD OIL<br>ADJUSTED<br>RECEIPTS | 218,513       | 395,055    | 868,08      | 731,614  | 0       | 9,141      | 66,145  | C          | 103,742 | 43,771 | •               | 79            | 2          | 3       | 115,36   | 252,590     | . 0         | 10,048   | 59,317 | 1,501,779 | 26,757 | 47,724 | 778 844       | 61,232   | 3,688    | *1,156       | 29,609   | . T.      |       | 10,484,173 | 78,809   | 0     | 9       |
| REPORTING FIRM<br>SHURT NAME           | CRYSTAL + OIL | DELTA TARE | DEMENNO     | DIAMOND  | DILLMAN | DURCHESTER | MO0     | EmSEABNARD | ECO     | EDDY   | EDGINGTON # DIL | ENERGY - COOP | EVANGELINE | EXXON   | EZ#SERVE | FARMERS .UN | FLETCHER    | FLINT    | GARY   | GETTY     | GIANT  | GIBSON | GLACIER-P'ARK | GLADIEUX | GLENROCK | GOLDENTEAGLE | GOLDKING | G000+H0PE | GUAM  | GULF       | GULF-STS | HIRI  | HOWARD, |

| *******<br>REGUIRED<br>TO SELL            | 185,721                                | 177,997<br>156,337                                    | 119,496<br>2,302<br>0  | 0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0<br>0 | 5,59   | 41,074<br>79,777<br>134,158   | 14,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5,4,7<br>5 | י מב ביני   |
|---|--|---|--|---|--|---|---|---|
| T I O N<br>REQUIRED<br>TO BUY             | 000 000 000 000 000 000 000 000 000 00 | 25 C C C C C C C C C C C C C C C C C C C              | 0000   | 170,960<br>0<br>60,612  | 65,70  | 3,72<br>0,04  | J }~ ~~   | 92,314  |
| T P C S.I<br>10 MONTH<br>CLEAN•UP         | , coo                                  | 0000  | c o c o  | 2605  | 0000   | 00600   |   |   |
| I T L E M E N<br>PRODUCT.<br>ENTITÉEMENTS | 000                                    |   | 5600   | 000   | 0000   | -   | 34,058<br>14,725  |   |
| KCEPTIONS<br>APPEALS                      |  | 00,42   | 118,825<br>0<br>215,266                                      |   | 9,064<br>577,845                                       |   | 4,72  | 0<br>0<br>0<br>13,074   |
| *******<br>TOTAL<br>ISSUED AND            | 55,87<br>39,75<br>08,63                | C 2 6 5   | 2.20<br>2.20<br>2.20<br>2.20<br>2.20<br>2.20<br>2.20<br>2.20 | 65,49<br>75,16<br>99,69   | 2001<br>2001<br>2002<br>2002<br>2003                   | 3301<br>3301<br>3301<br>3001<br>3001<br>3001                                    | 81278<br>81278<br>8128<br>8138<br>8138<br>8138<br>8138<br>8138<br>8138<br>813   | 157,6015<br>852,619<br>156,796<br>546,189<br>358,432                      |
| DEEMED OLD OIL<br>ADJUSTED<br>RECEIPTS    | , .                                    | 735,951   |  |   | 1,385<br>306<br>41                                     | 1.<br>1.<br>1.<br>1.<br>1.<br>1.<br>1.<br>1.<br>1.<br>1.<br>1.<br>1.<br>1.<br>1 | 8,083,<br>489,  | 30,354<br>944,955<br>117,301<br>137,267<br>358,435                        |
| REPORTING FIRM SHORT NAME                 | HOWELL<br>HUDSON-DIL<br>HUNT           | HUSKY<br>INDEPENDENT*REF<br>INDIANA*FARM<br>INGER*OIL | KENCO<br>KENTUCKY<br>KERN                                    | KERR*NGGEE<br>KOCH<br>LAGLORIA<br>LAKESTOF  | LAKETON<br>LITTLEFAMER<br>LDUISIANAFLAND:<br>MACMILLAN | MARATHON<br>HARION<br>HID ANER<br>MIO TEX                                       | MOBIL<br>MOHAWK<br>MONOCO<br>MONSANTO   | MORKISON<br>MOUNTAINEER<br>HURPHY<br>N&AMER*PETRO<br>NATL*COOP<br>NAYAJO: |

| REPURTING FIRN<br>SHURT NAME | 588-80 018 1111,<br>403-1456<br>46657918 | ********<br>Tital E><br>ISSUED AND | E N T<br>XCEPTIONS<br>APPEALS | IILEMENEN<br>PRODUCT<br>FNITUFMENTS | T P C S I<br>10 MONTH<br>CLEAN-UP | T I O N<br>REQUIRED<br>TO BUY | ********<br>REGUINED<br>TO SELL |
|------------------------------|--|------------------------------------|-------------------------------|-------------------------------------|-----------------------------------|-------------------------------|---------------------------------|
| NFVADA                       | 47,194                                   | 47.03                              | c                             | 0                                   | c                                 | 0                             | 4,88                            |
| NO LONG DOLLAR               | 521,295                                  | 27.0                               | 270,935                       | 0                                   | C                                 | a                             | 3647                            |
| Car age in a ser             | =  | 19,81                              |                               | 409,815                             | c                                 | 0                             | 9,81                            |
| NESTALL                      | 99,5411                                  | 23,83                              | -5,975                        | •                                   | C                                 | Ċ                             | 47.24                           |
| NURTHEASTAPETON              | 0  | 20.00                              |                               | 13,228                              | 0                                 | c                             | 13,228                          |
| いいおすいしなから                    | 24,540                                   | 35,37                              | c                             |                                     | ٥                                 | Ç                             | 2,99                            |
| ואכ                          | 234,550                                  | 92,46                              | Ġ                             | C                                   | c                                 | 0                             | 53,90                           |
| OXAMBO .                     | 15,694                                   | 1,9,57                             | C                             | C                                   |                                   | <b>.</b>                      | 4,48                            |
| PASCU                        | 5  | -196,223                           | #19h,223                      | C                                   | C                                 | 96,22                         |                                 |
| PENNZUIL                     | 619,056                                  | 77,77                              |                               | ¢.                                  | ·.                                | 1,2                           | - :                             |
| PESTER                       | 123,699                                  | 115,58                             | c                             | c                                   | с                                 |                               | #118R2                          |
| PHILLIPS                     | 5,143,063                                | 31,73                              | Ċ,                            | ٥                                   | 0                                 | 611,529                       |                                 |
| PHILLIPS-PR                  | C  | 90,31                              | c                             | 190,318                             | .0                                | -                             | 90,31                           |
| PIONEER                      | 33,0,42                                  | 56,72                              | 0                             | C                                   | c                                 | o                             | 23,68                           |
|                              | C  | 119,54                             | C                             | 605.60                              | c                                 |                               | 149,54                          |
|                              | 266,114                                  | 80,00                              | Ö.                            | ¢                                   | C                                 | ٥                             | 3,88                            |
|                              | 142,992                                  | 42,87                              | Ģ.                            | O                                   | Ć                                 | C                             | 19,88                           |
|                              | 20,000                                   | 50714                              | 5,444                         | C                                   | 0                                 | ,C                            | 7,12                            |
|                              | 159, 365                                 | 50,17                              | c                             | C                                   | C                                 | <b>c</b>                      | 90,80                           |
|                              | m1,831                                   | 32,50                              | C                             | C                                   | C                                 | E                             | 34,13                           |
|                              | 53,771                                   | 61,81                              | ¢                             | C                                   | C                                 | c                             | 08,04                           |
| RANCHO-REF.                  | 116,442                                  | 610                                | C                             | 0                                   | c                                 | 0                             | 25,756                          |
|                              | 324                                      | 38,02                              | G.                            | 0                                   | c.                                | 0                             | 8,50                            |
|                              | C  | 404                                | C.                            | C                                   | <b>د</b><br>′                     | <b>C</b>                      | 7007                            |
| RUCK - ISLAND                | 338,432                                  | nu , 36                            | *27,115                       | C                                   | G                                 | 34,069                        |                                 |
|                              | 24,710                                   | 50.70                              | C                             | C                                   | G                                 | 0                             | 31                              |
|                              | 91,551                                   | 9,85                               | 52,863                        | 0                                   | C                                 | 0                             | 8,29                            |
|                              | 4,335                                    | 7.6                                |                               | C                                   | C;                                | C                             | 1,445                           |
|                              | 140,675                                  | 89,96                              | =                             | c                                   | C,                                | C                             | 8,89                            |
|                              | 16,375                                   | 157,312                            | C                             | C.                                  | <u>.</u> c                        |                               | \$ 63                           |
|                              | 12,381,949                               | 15,11                              | C                             | 14,009                              | C                                 | 3,166,832                     | 1                               |
| ~                            | 01960                                    | 58,27                              | O                             | ¢                                   | O                                 | C                             | 48,63                           |
| PTOn                         | 57,743                                   | 116766                             | <b>©</b>                      | 9                                   | 0                                 | <b>e</b>                      | 42,20                           |
|                              | 1,703,143                                | 3,620,322                          | ¢                             | 0                                   | Ċ                                 | C                             | 7,17                            |

| DEEMEN<br>EPORTING FIRN ANJ<br>SHORT NAME REC | Andusten,<br>Receipts | TOTAL E | XCEPTIONS<br>APPEALS | PRODUCT<br>FNTTLEMENTS | 10 MONTH CLEANWILP | REGUIRED<br>TO BUY | REQUIRED<br>TO SELL |
|---|-----------------------|---------|----------------------|------------------------|--------------------|--------------------|---------------------|
|   | 45,615                | 9498    | Ö                    | O.                     | c                  |                    | 26,367              |
|   | 26,566                | 56,75   | ¢                    | 0                      | C                  |                    | 0,18                |
| -   | 71.873                | 62,80   | 0                    | 0                      | 0                  |                    | 2610                |
|   | 69,093                | 5,07    | 75,494               | 0                      | 6                  | 136,018            | 0                   |
|   | 78,294                | 7,69    | 0                    | 0                      | c                  | 0                  | 0                   |
|   |                       | 9,19    | 0                    | 9,19                   | .0                 | C                  | 6116                |
|   |                       | 2,20    | 0                    | 20                     | -                  | 0                  | 620                 |
|   | 1,525                 | 57,58   |                      |                        |                    | C                  | 9019                |
| _   | 04,434                | 3,64    | 0                    | 8,86                   |                    | 1,780,792          | 0                   |
|   | 0                     | 20,66   | 0                    | 56                     | C                  |                    | 20,665              |
| •   | 33,600                | 1466    | 0                    | •                      | C                  | 33,88              | o,                  |
|   | 81,122                | 98,12   | C                    | 0                      | C                  | 00                 |                     |
| =   | 411,4169              | 24,42   | 0                    | 323,628                | 0                  | 19,86              |                     |
|   | 29,504                | 51,59   | 0                    |                        | 0                  | 0.                 | 122,094             |
|   | 19,859                | 74,09   | 0                    | 0                      | 0                  | C                  | 54,23               |
|   | 48,347                | 44,59   | o                    | 0                      | 0                  | 3,750              | 0                   |
|   | 58,197                | 58,19   | 535,048              | 0                      | C                  |                    |                     |
|   | 39,525.               | 52,99   | 0                    | 0                      | 0                  | 0                  | 3,47                |
| THUNDERBIRD                                   | 97,570                | 10.54   | 0                    | 0                      | 0                  | .0                 | 12,970              |
|   | 34,207                | 45,52   | 6                    | 0                      | C                  |                    | 1,31                |
| • •   | 36,616                | 24,64   | 226,716              | 0                      | 0                  | 511,972.           |                     |
|   | 236,082               | 294,667 | c                    | 0                      | C                  | C                  | S                   |
|   | c                     | 51,01   | ~                    |                        | 0                  | 0                  | 1,01                |
|   | c                     | 30,45   | 0                    | 134,451                | 0                  |                    | 34,45               |
|   | 54,929                | 15,02   | 0                    |                        | 0.                 | 1,859,902          | 1                   |
|   | 0                     | 5172    | C                    | 55,723                 | c                  | 0                  | 5,72                |
|   | 96,572 .              | 54,34   | 0                    | 0                      | 0                  | 0                  | 57,77               |
|   | 32,166                | 47,06   | 0                    | 0                      | 0                  | C                  | 14,90               |
|   | 19,582                | 22,28   | 0                    | 0                      | c                  | 0                  | 02,70               |
| OCHEM   | 31,725                | 5,72    | 0                    | 0                      | c                  | C                  | 66                  |
|   | 73,854                | 49,84   | O                    | 0                      | C                  | •                  | 75,98               |
| -   | 2.40 . 43             | 68,79   | ċ                    | c                      | 0                  | 0                  | 14,74               |
|   | 0                     | 10,12   |                      | 10,123                 | 0                  | C                  | 10,12               |
| -   | 49,891                | 0600    | 15,207               |                        | 6                  | 0                  | <u>.</u>            |

| ********<br>REQUIRED /<br>TO SELL   | 89018      | 42,161   | 267 6   | 878      | 161,163 | 19,209 | 1,059  | •       | 23,920,624    |
|---|------------|----------|---------|----------|---------|--------|--------|---------|---------------|
| REQUIRED TO BUY   |            | C)       | 0       | Q        | C       | a      | 0      | •·      | 23.920.624    |
| 10 MONTH  |            | 0        | 0       | ¢        | 0       |        | C      | 0       | 0             |
| ENTITLEMENT POSITION<br>MIONS PRODUCT 10 MONTH REQUIRE<br>PREALS ENTITLEMENTS CLEAN-UP TO BUT | •          | 0        | 0       | 0        | C       | 19,209 | -      | 0       | 2,886,231     |
| EXCER   | •          | 0        | 0       | 0        | C       | 0      | 0      | 926'67  | 2,687,590     |
| *******<br>TOTAL<br>ISSUED A  | 60,157     | 108,636  | 197,329 | 878      | 216,148 | 19,209 | 1,059  | 117,122 | 146,129,487   |
| OFENEO NLO DIL<br>ADJUSTED<br>RECEIPTS  | 52,089     | 66,475   | 105,832 | 0        | 54,985  | 0      | 0      | 117,122 | 146,129,487 1 |
| REPORTING FIRM<br>SHORT NAME  | WESTACOAST | MUNCHERN | MINGTON | WIREBACK | EHTCO   | WYATT  | YETTER | YOUNG   | TOTAL         |

Reflects adjustments for 1975 exceptions relief as provisionally modified by FEA pending agency, review consistent with court order. For discussion, see December entitlement notice, 42 FR 12133 (March 2, 1977).

This does not include the purchase obligation stayed by court order in Texas Asphalt & Refinery Co. v. FEA Civ. Action No. 4-75-268 (N.D. Tex., filed filed October 31, 1975). \*

[FR Doc.77-21079 Filed 7-22-77;8:45 am]

[H. C. No. 229]

NEW MEXICO FINANCIAL CORP. ET AL.

Receipt of Application for Permission To Acquire Control of Belen Savings and Loan Association, Inc.

JULY 20, 1977.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from New Mexico Financial Corporation, Forest Products Company, Inc. and McNary Lumber Company, Inc. all holding companies located in Albuquerque, New Mexico, for approval of acquisition of control of Belen Savings and Loan Association, Belen, New Mexico, an insured institu-tion, under the provisions of Section 408 (e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and Section 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected through the purchase of the majority of the out-standing shares of Belen Savings and Loan Association's capital stock. Comments on the proposed acquisition should be submitted to the Director, or Deputy Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, by August 24, 1977.

J. J. FINN, Secretary, Federal Home Loan Bank Board.

[FR Doc.77-21293 Filed 7-22-77;8:45 am]

#### FEDERAL POWER COMMISSION

[Docket No. ER77-485]

#### CAROLINA POWER & LIGHT CO.

Order Accepting for Filing and Suspending Proposed Increased Rates, Initiating Hearing, and Establishing Procedure

JULY 19, 1977.

On June 29, 1977, Carolina Power & Light Company (Company) tendered for filing proposed increased rates and charges for jurisdictional sales to 18 REA, 24 municipal, and 2 privately owned customers. The filing would increase the Company's revenues by \$10,-418,214 or 7.5 percent, based on the 12month period ending December 31, 1977.

A review of Company's filing indicates that the proposed increase in rates and charges have not been shown to be justifi-i and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: (1) Good cause exists to accept for filing and suspend the proposed increased rates and charges tendered by the Company on June 29. 1977, as hereinafter ordered.

(2) It is necessary and proper in the public interest to aid in the enforcement of the provisions of the Federal Power

FEDERAL HOME LOAN BANK BOARD Act that the Commission enter upon a hearing to determine the justness and reasonableness of the proposed increased rates and to establish procedures for that hearing, as hereinafter ordered.

The Commission orders: (A) The proposed increased rates and charges tendered by the Company on June 29, 1977. are hereby accepted for filing.

(B) Pursuant to the authority contained in and subject to the provisions of the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations Under the Federal Power Act, a public hearing shall be held concerning the lawfulness of the proposed increased rates and charges tendered by the Company on June 29, 1977.

(C) Pending such hearing and deci-sion thereon, the increased rates and charges tendered by the Company on June 29, 1977, are hereby suspended and the use thereof deferred until December 29, 1977, when they shall become effective subject to refund.

(D) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before October 28, 1977 (see. Administrative Order No. 157).

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see, Delegation of Authority, 18 CFR 3.5(d)), shall preside at an initial conference in this proceeding to be held on November 7, 1977, at 10:00 a.m. (ET) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC 20426. Said Law Judge is authorized to establish all procedural dates and to rule upon all motions (except petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH A. PLUMB, Secretary.

ATTACHESER

CAROLINA POWER & LIGHT COMPANY

DOCKET NO. IR77-485,

BATE SCHEDULE DESIGNATIONS

Filing Date: June 29, 1977. Instrument Date: June 29, 1977.
Description: (1) Resale Service, Schedule
RS-12. (2) Fuel Adjustment Clauce, Rider No. 2A

Other Party and Rate Schedule Designations Town of Apex: Rate Schedule FPC No. 72. (1) Supplement No. 15 (Supersedes Supplement No. 12). (2) Supplement No. 16 (Super-sedes Supplement No. 13 and No. 14).

Town of Bennettsville: Eate Schedule FPC
No. 49. (1) Supplement No. 15 (Supercedes
Supplement No. 12). (2) Supplement No. 16
(Supersedes Supplement No. 13 and No. 14).
Town of Benson: Rate Schedule FPC No.

73. (1) Supplement No. 12 (Supercedes Sup-

plement No. 9). (2) Supplement No. 13 (Supersedes Supplement No. 10 and No. 11).
City of Camden: Rate Schedule FPC No. 50. (1) Supplement No. 13 (Supersedes Supplement No. 10). (2) Supplement No. 14 (Supersedes Supplement No. 11 and No. 12).

Town of Clayton: Rate Schedule FPC No.

Town of Clayton: Hate Schedule FPC No. 74. (1) Supplement No. 15 (Supersedes Supplement No. 12). (2) Supplement No. 16 (Supersedes Supplement No. 12 and No. 13). Fayetterille No. 1: Rate Schedule FPC No. 93. (1) Supplement No. 11 (Supersedes Supplement No. 8). (2) Supplement No. 12 (Supersedes Supplement No. 2: Rate Schedule FPC No. Fayetterille No. 2: Rate Schedule FPC No. 102. (1) Supplement No. 8 (Supersedes Supplement No. 8 (Supersedes Supplement No. 8).

Fayetterille No. 2: Rate Schedule FFC No. 102. (1) Supplement No. 8 (Supersedes Supplement No. 5). (2) Supplement No. 9 (Supersedes Supplement No. 6 and No. 7). Town of Fremont: Rate Schedule FFC No. 81 (1) Supplement No. 13 (Supersedes Supplement No. 10). (2) Supplement No. 14 (Supersedes Supplement No. 11 and No. 12). City of Kinston: Rate Schedule FFC No. 99 (1) Supplement No. 10 (Supersedes Supplement No. 10 (Supersede

(1) Supplement No. 10 (Supersedes Supplement No. 7). (2) Supplement No. 11 (Super-sedes Supplement No. 8 and No. 9). Town of La Grange: Rate Schedule FPC

No. 83. (1) Supplement No. 14 (Supersedes Supplement No. 11). (2) Supplement No. 15 (Supersedes Supplement No. 12 and No. 13).

Town of Louisberg: Rate Schedule FPC No. 68. (1) Supplement No. 15 (Supersedes Supplement No. 12). (2) Supplement No. 16 (Supersedes Supplement No. 13 and No. 14). City of New Bern: Rate Schedule FPC No.

84. (1) Supplement No. 13 (Supersedes Supplement No. 10). (2) Supplement No. 14 (Supercedes Supplement No. 11 and No. 12).

(Supercedes Supplement No. 11 and No. 12).
Town of Pikeville: Rate Schedule FPC No.
85. (1) Supplement No. 14 (Supersedes Supplement No. 11). (2) Supplement No. 15 (Supersedes Supplement No. 12 and No. 13).
Town of Red Springs: Rate Schedule FPC No. 77. (1) Supplement No. 14 (Supersedes Supplement No. 11). (2) Supplement No. 15 (Supersedes Supplement No. 12 and No. 13).
City of Rocky Mount: Rate Schedule FPC No. 4(1) Supplement No. 12 (Supersedes No. 14).

No. 94. (1) Supplement No. 12 (Supersedes Supplement No. 8). (2) Supplement No. 13 (Supercedes Supplement No. 9 and No. 10).

Town of Smithfield: Rate Schedule FPC No. 87. (1) Supplement No. 15 (Supersedes Supplement No. 16 (Supersedes Supplement No. 13 and No. 14).

City of Southport: Rate Schedule FPC No. 79. (1) Supplement No. 16 (Supersedes Supplement No. 12). (2) Supplement No. 17 (Supersedes Supplement No. 13 and No. 14). Town of Wake Forest: Rate Schedule FPC

No. 88. (1) Supplement No. 13 (Supersedes Supplement No. 10). (2) Supplement No. 14 (Supersedes Supplement No. 11 and No. 12).

Town of Waynesville: Rate Schedule FFC No. 89. (1) Supplement No. 14 (Supersedes Supplement No. 11). (2) Supplement No. 15 (Supersedes Supplement No. 12 and No. 13). City of Wilson: Rate Schedule FPC No. 90. (1) Supplement No. 13 (Supersedes Supple-

ment No. 10). (2) Supplement No. 14 (Su-percedes Supplement No. 11 and No. 12). Laurel Hill Electric Company: Rate Sched-

ule FPC No. 51. (1) Supplement No. 14 (Supersedes Supplement No. 11). (2) Supplement No. 15 (Supersedes Supplement No. 12 and No. 13).

Pinehurst, Inc.: Rate Schedule FPC No. Princhitst, Inc.: Rate Schedule FPC No. 105. (1) Supplement No. 9 (Supersedes Supplement No. 6). (2) Supplement No. 10 (Supersedes Supplement No. 7 and No. 8).

Tariff Customers: FPC Electric Tariff. First Revised Volume No. 1 (Supersedes Original Volume No. 1).

[FR Doc.77-21335 Filed 7-22-77;8:45 am]

[Docket No. CP77-486]

#### COLUMBIA GAS TRANSMISSION CORP. Application

JULY 18, 1977.

Take notice that on July 5, 1977, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue

<sup>&</sup>lt;sup>1</sup>The rates proposed to be superseded by the instant submittal are being collected subject to refund in Docket No. EB76-495. The rate schedule designations for the in-stant filing are set forth in the Attachment to this order.

SE., Charleston, W. Va. 25314, filed in Docket No. CP77-486 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of up to 160 Mcf of natural gas per day for Ball Corporation (Ball), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to transport the proposed volumes of gas for two years for Ball, which volume would be received by Applicant into its Line V-W11449 in Milton Township, Mahoning County, Ohio, at a specific point to be mutually agreed upon. Applicant states that it would redeliver the gas for the account of Ball by reducing its scheduled receipts from Panhandle Eastern Pipe Line Company (PEPL) at an existing point of receipt in Harrison Township, Darke County, Ohio, and that PEPL would subsequently deliver the transported volumes to Indiana Gas Company, Inc. (Indiana) for use at Ball's Muncie, Ind., plant.

It is stated that Ball was severely cúr-

It is stated that Ball was severely curtailed by Indiana, with the result that the Muncle plant was completely shut down for approximately four weeks, and that Ball has felt it necessary to secure intrastate gas as a means of assuring the continuing operation of its Muncie home canning closure plant in the event of a 1977–78 winter season curtailment.

It is indicated that Ball's Muncie plant produces caps and lids for home canning jars, and the caps and lids are blanked from decorated tinplate and lined with liquid plastisol before being transported to gas fired ovens where the liquid plastisol compound is cured. The curing process is essential to the setting and puffing of the compound, both of which are required for adequate sealing, it is indicated. Applicant asserts that Ball has installed a standby system utilizing No. 2 fuel oil as alternate fuel capability to replace natural gas at the Muncie plant, where possible, and that the curing process requires a clean burning fuel to avoid contamination of the caps and lids which are used for the preparation and preservation of home canned food products.

Applicant states that it would transport up to 485 Mcf of natural gas per day for Ball, up to 160 Mcf per day which would be transported hereunder and up to 325 Mcf of gas per day would be transported under a companion filing.

It is indicated that Montara Petroleum Company and Mutual Oil and Gas Company (Producers) have contracted to sell to Ball for use at its Muncie plant up to 125 Mof of natural gas per day from Producers' wells located in Mahoning County, Ohio. It is further indicated that the subject gas has never been sold in interstate commerce and that it would not be sold in interstate commerce at present interstate price rates. The price at which Ball would purchase gas from Producers is \$2.20 per Mcf for the first contract year and \$2.50 per Mcf for the second contract year, it is said. Applicant states that Ball would be required to make an investment in field gathering facilities costing approximately \$25,000, which facilities would be used for this and other transportation arrangements for Ball.

Applicant indicates that it would charge its average system-wide unit gathering, storage and transmission costs exclusive of company-use and unaccounted-for gas which is currently 24.75 cents per Mcf for the proposed transportation service. Applicant further indicates that it would retain for company-use and unaccounted-for gas a percentage of the total volumes received for the account of Ball, which percentage is currently 3.1 percent.

The gas transported hereunder is subject to diversion to Applicant in emergency periods when, in its sole judgment, such gas is required for the protection of Priority 1 requirements on its system.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 29, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) as the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

> Lois D. Cashell, Acting Secretary.

[FR Doc.77-21330 Filed 7-22-77;8:45 am]

[Docket No. ER77-488]

EL PASO ELECTRIC CO.

Order Accepting for Filing and Suspending Proposed Increased Rates

JULY 19, 1977.

On July 1, 1977, El Paso Electric Company (Company) tendered for filing proposed increased rates and charges for jurisdictional sales to Rio Grande Electric Cooperative (at Dell City and Van Horn delivery points) and Community Public Service Company. The filing would increase the Company's revenues by \$883,936, or 15.75%, based on the 12-month period ending August 1, 1978. Company proposes an effective date of August 1, 1977.

As part of its justification for the increase in its rates, the Company included an amount for construction work in progress (SWIP) in its rate base. The CWIP was related to its Palo Verde Nuclear Generating Project and was based on a claim of financial hardship, However, our Order Nos. 555 and 555-A precludes the inclusion of similar CWIP in rate base prior to issuance of a final Commission order. Therefore, we will accept Company's rate proposal for filing, but will require the Company to file revised rate schedules to exclude CWIP from its rate proposal. Additionally, El Paso's rate contains a fuel adjustment clause that appears to meet the requirements of Order No. 517 except that nuclear fuel is not specified. The Company will be directed to revise its fuel clause to include nuclear fuel at the time it makes other revisions directed herein.

A preliminary review of Company's filing indicates that the proposed increase in rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: Good cause exists to accept for filing and suspend the proposed increased rates and charges tendered by the Company on July 1, 1977, and to require Company to file revised rate schedule supplements, all as hereinafter ordered.

The Commission orders: (A) The proposed increased rates and charges tendered by the Company on July 1, 1977, are hereby accepted for filing.

(B) Pursuant to the authority contained in and subject to the provisions of the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations Under the Federal Power Act, a public hearing will be held at a time and place to be specified in a subsequent Commission order concerning the lawfulness of the proposed increased rates and charges tendered by the Company on July 1, 1977.

(C) Pending such hearing and decision thereon, the increased rates and charges

<sup>&</sup>lt;sup>1</sup>The filing is designated in the Attachment to this order.

tendered by the Company on July 1, 1977, are hereby suspended and the use thereof deferred until December 1, 1977, when they shall become effective subject to refund.

(D) Within 90 days from the date of issuance of this order, Company shall

refile:

(1) Revised rate schedule supplements which shall become effective December 1, 1977, as set forth in ordering paragraph (C) above; (2) revised Statements, Period I; (3) revised billing data; and (4) revised fuel clause to include nuclear

Subparagraph (1) and (2) above shall reflect only the effect of excluding CWIP from the rate base.

(E) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

KENNETH F. PLUMB. Secretary.

#### ATTACHMENT

EL PASO ELECTRIC COMPANY SCHEDULE DESIGNATIONS

Dated: Undated:

Filed: July 1, 1977.

(1) Supplement No. 5 to Rate Schedule FPC No. 17 (Supersedes Supplement No. 3 to FPC No. 17).

(2) Supplement No. 4 to Rate Schedule FPC No. 18 (Supersedes Supplement No. 3 to FPC No. 18).

(3) Supplement No. 4 to Rate Schedule FPC No. 19 (Supersedes Supplement No. 3 to FPC No. 19).

[FR Doc.77-21327 Filed 7-22-77;8:45 am]

#### [Docket No. CP77-502]

#### GREAT LAKES GAS TRANSMISSION CO. Application

JULY 18, 1977.

Take notice that on July 12, 1977, Great Lakes Gas Transmission Company (Applicant), 2100 Buhl Building, Detroit, Mich. 48226, filed in Docket No. CP77-502 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 23.9 miles of 36-inch pipeline loop on its existing pipeline system in Minnesota, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the loop would be added parallel to its existing system which is used to render natural gas service to its interstate and foreign customers. Applicant further states that it would be constructed in two segments; one segment would consist of :11.3 miles and would be constructed from mile 86.4 to mile post 97.7-which are between Applicant's existing compressor station Nos. 2 and 3 at Thief River Falls and Shevlin, Minnesota, respectively; the other segment would be 12.6 miles between Applicant's existing compression station Nos. 4 and 5 at Deer River and

Cloquet, Minnesota, respectively.

The total cost of the proposed loop is estimated at \$13,432,200, which would be financed from internally generated funds together with borrowings from banks under short-term line of credit, if required, it is said.

Applicant states that it is estimated that the addition of the proposed loop on its system would have approximately 1,348,000 Mcf of natural gas on an annual basis, and that over the next decade it would save approximately 13,000,000 Mcf of natural gas. It is stated that the economic justification for addition of the loop is mainly attributed to the rapidly escalating export price of Canadian gas. All of the fuel gas used by Applicant is imported from Canada, and the current export price of the Canadian gas is \$1.94 (Canadian) per Mcf, and effective September 23, 1977, the export price would be increased to \$2.16 (U.S.) per Mcf, it is indicated. Applicant asserts that the price of Canadian gas has increased very substantially in the past three years and it is likely that this trend would continue in the foreseeable future. Applicant asserts that based upon the purchase price of \$2.16 per Mcf, and the anticipated fuel saving of 1,348,000 Mcf annually, the fuel costs on its pipeline system would be reduced by \$2,911,-700 annually as a result of the addition of the proposed looping.

Applicant states that the construction of the 12.6 miles of loop between Deer River and Cloquet would also provide added security of service to Applicant's customers. It is stated that approximately 12 miles of Applicant's existing mainline between Deer River and Cloquet traverses the swamp area, and that almost all (99 percent) of the gas transported by Applicant is delivered downstream of the swamp area. Applicant indicates that any line break in this area could result in interruption of service for a minimum of two weeks, except in severe winter weather when the ground is frozen and the pipe is easily accessible. At is indicated that in the latter case it would take less time.) Applicant states that the construction of 12.6 miles of the loop would provide reinforcement of the pipeline in the swamp area.

Applicant further states that the addition of the loop would result in reduced usage of two compressor units, which would be maintained for emergency standby, and that these units would be used only in emergency situations and are required for prudent operation of Applicant's pipeline system. It is indicated that during periods of severe energy shortage, such as faced by our nation in the past winter, these units would en-able Applicant to provide additional service to those in need.

The 12.6 miles of loop between Deer River and Cloquet traverses the swamp area and can only be constructed during the coldest part of the winter when the ground is frozen and the area is accessible, it is said. Applicant states that past experience indicates that this would would be limited to a period of about 30 days. Applicant asserts that in order to implement the proposed conservation program at the earliest possible time, it proposes to construct the entire 12.6 mile section in January-February, 1978, and the remaining segment of loop would be constructed during the summer of 1978. Consequently, applicant requests that the requested authorization be issued prior to December 1, 1977, in order that the proposed construction can commence during the proposed period.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 8, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) as the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

> Lois D. Cashell, Acting Secretary.

[FR Doc.77-21332 Filed 7-22-77;8:45 am]

[Docket Nos. AR64-1, et al.] HUGOTON-ANADARKO AREA, ET AL Order Directing Disbursement of Refunds JULY 14, 1977.

On March 17, 1975, the Hugoton-Anadarko Area order, Docket Nos. AR64-1, et al, was issued which required the producers to disburse their refund monies and submit disbursement reports and buyers' releases on or before June 1, 1975. On August 19, 1975, the Southern Louisiand buyers' releases on or before October 30, 1975. On February 23, 1976, the Other Southwest Area, Docket Nos. AR67-1 et ports and buyers' releases Southwest Area, Docket Nos. AR67-1 et al. and Texas Gulf Coast Area, Docket Nos. AR64-2, et al. orders were issued which required the producers to disburse their refund monies and submit disbursement reports and buyers' releases on or before June 1, 1976.

This order addresses those producers who have not complied with the Commission's refund disbursement orders in the area rate proceedings and directs them to immediately disburse their refund monies, and file the required reports

and releases.

Staff's report 1 lists those producers who have not complied with the Commission's refund disbursement orders. The estimated refund amounts were compiled from the producer's initial refund reports, purchasers' reports, or purchasers' flow through plans where reflected as delinquent. In some instances, the estimated refund amounts were unavailable.

We have decided to exclude from the provisions of this order those producers owing \$1,000 or less.<sup>2</sup> The administrative burdens that could be incurred by this Commission in locating these producers, their sucessors or heirs in order to require refunds would be inordinate in relation

to the small amounts owed.

The Commission finds: It is necessary and proper both in the public interest and in carrying out the provisions of the Natural Gas Act that the refunds subject to this order be disbursed, and that the required reports and releases be filed.

The Commission orders: (A) Within sixty days of issuance of this order, each producer, to which Ordering Paragraph (B) is not applicable, still owing refunds under the respective area rate opinions, including interest as required under the provisions of the applicable order requiring the disbursement of refunds, shall (1) disburse all the refunds to the pur-chaser, (2) file three copies of a release from the purchaser.

(B) Those producers whose refund obligations are \$1,000.00 or less are not subject to this order. Those producers whose estimated refund obligations are un-available at this time are not exempt

from this order.

(C) Any purchaser to which refunds are disbursed pursuant to the provisions of this order shall file a plan for the flow through of such refunds in accordance with the provisions of the applicable order requiring the disbursement of such refunds. Upon notification by the Secretary, and to the extent directed thereby, purchasers shall proceed with the distribution of refunds to their jurisdictional customers.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB, Secretary.

(Opinion No. 586, as Amended; Refund Disbursement Order Issued March 17, 1975, as Amended)

| Hugoton-Anadarko Area   Kansas Petroleum Inc. (Braden Drilling, Inc.)   10   12 600   Austin Brady   2,7   121,300   Foulston, Siefkin, Powers & Eberhardt (Earl C. Brookover)   13,14,15   1,000   W. J. Coppinger   6   12 15,000   12   15 (15,000   10   10   10   10   10   10   10 | Producer  | FPC<br>gas rate<br>schedule<br>No.(s) |           |
|--|---|---------------------------------------|-----------|
| Drilling, Inc.   10  | Hugolon-Anadarko Area   |                                       |           |
| H. N. Burnett  | Drilling, Inc.) Austin Brady. Foulston, Siefkin, Powers & Eberhardt (Earl C. Brook- | 2,7                                   | 121,300   |
| W. J. Copplinger   | OVET)   |                                       |           |
| Cotton Petroleum Corp  | W. I. Conninger   |                                       | 13 15 000 |
| Cotton Petroleum Corp  | Cleary Petroleum Corp   |                                       |           |
| Eason Off Co   | Cotton Petroleum Corp.  |                                       | 300       |
| Global Oils, Inc.  | Eason Off Co  |                                       |           |
| agement Corp.) 1 111,800 George, Kenan, Robertson & Lindsey (Paul E. Kloberdanz) 2 1800 Marion Corp. 6 3,200 PWC Oil Co. 3 1600 Shenandoah Oil Corp. (James Dayis, Jr., d.b.a. Solar Oil Co.) 2 1600 Crown Central Petroleum   | Global Oils, Inc  | 5, 6                                  | 10, 500   |
| danz   2   1600  | agement Corp.)  | 1                                     | 11,800    |
| Marion Corp.   | done)   | 2                                     | 1 500     |
| PWC Oil Co. Shenandoah Oil Corp. James Davis, Jr., d.b.a. Solar Oil Co. Co. Crown Central Petroleum  | Marion Corp.  | ลี                                    |           |
| Crown Central Petroleum  | Shenandoah Oil Corp. (James   | ž                                     |           |
| Corn (Surget international   | Co.) Crown Central Petroleum  | 2                                     | 1 600     |
| Petroleum Corp., Delaware) 19, 20, 35,   | Corp. (Sunset International<br>Petroleum Corp., Delaware)                           |                                       |           |
| Yucca Petroleum Co   | Yucca Petroleum Co  |                                       |           |

(Opinion No. 607, as Amended; Refund Disbursement Order Issued February 23, 1976, as Amended)

| Other Southwest Area            |                   | -                   |
|---------------------------------|-------------------|---------------------|
| S. P. Borden (Estate)           | 1                 | (1)<br>6,500<br>200 |
| D. H. Byrd                      | 1                 | 6,500               |
| D. H. ByrdClaiborne Gasoline Co | 1<br>1<br>4       | 200                 |
| Grigsby Oil & Gas (Jack W.      |                   |                     |
| Grigsby)                        | 5, 6              | 257, 000            |
| D. C. Latimer                   | 'i                | 60,600              |
| Heidelberg, Woodliff & Franks   |                   | ,                   |
| (Mis-Tex Oil Producers)         | 2, 3              | 12,000              |
| Dorchester and Mortimer         | -,-               |                     |
| (Betty D. Mortimer)             | 1                 | (1)                 |
| North Central Oil Corp.         | $\frac{1}{2}$     | (1)<br>(1)<br>(1)   |
| Pioneer Oil and Gas Co., Inc    | 1, 3, 5<br>1<br>2 | (1)                 |
| J. E. Stack, Jr                 | -, ·, i           | `ś3, 590            |
| Suburban Propane Gas Corp       | 2                 | 19,800              |
| Joseph E. Seagram & Sons        | -                 | 10,000              |
| (Texas Pacific Oil Co.)         | 30                | <b>\$ 2, 630</b>    |
| Mr. Robert M. Key (J. C.        |                   | -, 555              |
| Trahan Drilling Contractor,     |                   |                     |
| Inc.)                           | 4.5 9.22          | (1)                 |
| Douglas Whitaker (Estate)       | 4, 5, 9, 22       | λí                  |
| TAMBIED HITHOUGH (TISHOO)       | ·                 | .,                  |

(Opinion No. 595, as Amended; Refund Disbursement Order Issued February 23, 1976, as Amended)

| Texas Gulf Coast Area   |                 |                          |
|---|-----------------|--------------------------|
| Joe Coleman, Esq. (J. S. Abercrombie Mineral Co., Inc.)                     | 1               | 19,000                   |
| Mr. Neal Powers, Jr. (Adams<br>Production Co.)<br>American Petrofina Co. of | 1               | 110                      |
| Texas. Mr. Tom Vessels (Bass &  | 1, 6, 72, 76    | 34,000                   |
| Vessels)  | 7,9             | g ,                      |
| Vessels) Coy Burnett J. Brown Cutbirth                                      | 1 -             | (1)<br>(1)<br>13 14, 000 |
| Differential Corp<br>Diversa, Inc<br>Lloyd M. Feland                        | 5, <del>1</del> | (1)                      |
| Vernon W. Frost W. C. Ginther (Ginther, War-                                | 1               | 870<br>1,690             |
| W. C. Ginther (Ginther, War-<br>ren & Co.)                                  | 1, 2            | 116,000                  |
| HNG Oil Co. (Houston Na-  | 1               | (t) ·                    |
| tural Gas Production Co.)<br>Investors Syndicate of the                     | 23              | 74<br>m                  |
| Southwest, Inc  | 1 1             | (1)<br>293, 000          |
| J. A. Kimmey  Kirby Petroleum Co  | · 12            | (i)<br>2,090<br>(i)      |
| Logue and Patterson  Mrs. Mae Lusk  | 1               | (1)<br>4.43, 300         |
| John F. Merrick<br>Mr. H. J. Mosser   | 1,3<br>5<br>1   | (B)                      |
| Mr. John A. Newman<br>RCA Investment Corp                                   | i               | 8                        |
|   |                 |                          |

| • Producer gr  | FPC<br>as rate<br>hedule<br>No.(s)     | Approxi-<br>mate<br>refund due<br>(dollar)  |
|--|--|---|
| Joe A. Rayzor (Jack P. Rayzor)   | 1                                      | <b>5,</b> 600   |
| Dallas Trustas   |  | ^   |
| Republic National Bank of<br>Dallas, Trustee<br>Siboney Corp<br>South States Oil & Gas Co  | 1                                      | 4,300   |
| South States Oil & Gas Co  | 1,4                                    | 155, 000  |
| TransOcean Oil, Inc.<br>Union Carbide Petroleum Corp.  | 4                                      | 231,000   |
| Union Carbide Petroleum Corp.  | 3                                      | 170   |
| Scott & Donglas (James A.  |  |   |
| Wood, Trustee)   | 2                                      | 63,600  |
| order issued August 19 Southern Louislana Area   | 7, 1975)                               | <del></del>   |
| Phoenix Energy Co. (Aladdin  |  |   |
| Production Co.)  | 1                                      | 121,000   |
| Production Co.) Wright & Kerstein (Earl G.   | . *                                    | 1,000   |
| Wingut & Kurstein (Earl G. Bateman) Falcon Management Corporation, Inc. (Beck Oil Co.) D. C. Bintiliff T.N.T., Inc. (Leslie Bowling) David Crow, Trustee. Crown Central Petroleum Corp.  | 5                                      | 1133,000  |
| Falcon Management Corpora-   | _                                      |   |
| tion, Inc. (Beck Oil Co.)  | _ 2                                    | 1 2 300   |
| ON M. The Clark Parille  | ₽,₫                                    | 115,300   |
| Dovid Cross Trustee  | 1                                      | 11400   |
| Crown Control Petroleum  | 3                                      | 1 2 11,000  |
| Corp.  | 7                                      | 110,000   |
| Corp   | •                                      | 11 000  |
|  |  |   |
| well Oil Co., Inc.)  | 3                                      | • • • •   |
| well Oil Co., Inc.)  | 3                                      | 1280  |
| well Oil Co., Inc.) Jack F. Harang Ollie B. Brown, Jr., Attorney   |  | 1980  |
| Jack F. Harang<br>Ollie B. Brown, Jr., Attorney<br>(H. L. Hawkins & H. L. Haw-   | . 1                                    |   |
| Jack F. Harang<br>Ollie B. Brown, Jr., Attorney<br>(H. L. Hawkins & H. L. Haw-   | . 1<br>.6,16,20                        | 113,000   |
| Jack F. Harang   | . 1<br>,6,16,20<br>2                   | 113,000<br>1121   |
| Jack F. Harang   | . 1<br>.6,16,20                        | 113,000<br>1121   |
| Jack F. Harang.  Ollie B. Brown, Jr., Attorney (H. L. Hawkins & H. L. Hawkins, Jr.).  Hugh A. Hawthorne.  R. E. Hibbert.  Jacob Goldberr, Attorney (R.   | . 1<br>,6,16,20<br>2<br>0              | 113,000<br>1121<br>112,000  |
| Jack F. Harang Ollie B. Brown, Jr., Attorney (H. L. Hawkins & H. L. Hawkins, Jr.) Hugh A. Hawthorne Jacob Goldberg, Attorney (R. E. Hubbard, Jr.) Hudson (Bas & Oll Corp.  | . 1<br>,6,16,20<br>2<br>6<br>4         | 123,000<br>122,000<br>121,200   |
| Jack F. Harang Ollie B. Brown, Jr., Attorney (H. L. Hawkins & H. L. Hawkins, Jr.) Hugh A. Hawthorne Jacob Goldberg, Attorney (R. E. Hubbard, Jr.) Hudson (Bas & Oll Corp.  | . 1<br>,6,16,20<br>2<br>0<br>4         | 123,000<br>122,000<br>121,200<br>122,000  |
| Jack F. Haraug  Ollie B. Brown, Jr., Attorney  (H. L. Hawkins & H. L. Hawkins, Jr.).  Hugh A. Hawthorne.  R. E. Hibbert.  Jacob Goldberg, Attorney (R.  E. Hubbard, Jr.).  Hudson Gas & Oll Corp.  McCarter Oll Co.  Muttontown Oil Co., Inc.                          | . 1<br>,6,16,20<br>0<br>4<br>0<br>1    | 123,000<br>1221<br>122,000<br>121,200<br>122,000  |
| Jack F. Harang Oille B. Brown, Jr., Attorney (H. L. Hawkins & H. L. Haw- kins, Jr.). Hugh A. Hawthorne. R. E. Hibbert. Jacob Goldberg, Attorney (R. E. Hubbard, Jr.). Hudson Gas & Oil Corp. Muttonfown Oil Co., Inc. Muttonfown Oil Co., Inc. Ploneer Oil and Gas Co. | 1<br>,6,16,20<br>0<br>4<br>0<br>1<br>1 | 123,000<br>122,000<br>122,000<br>122,000<br>122,000<br>123,000<br>123,000<br>123,000  |
| Jack F. Harang Ollie B. Brown, Jr., Attorney (H. L. Hawkins & H. L. Haw- kins, Jr.).  R. E. Hubhert. Jacob Goldberg, Attorney (R. E. Hubbard, Jr.). Hudson Gas & Oll Corp. MucCarter Oll Co. Muttontown Oll Co., Inc. Ploneer Oil and Gas Co. D. J. Roblehaux, Jr.     | . 1<br>,6,16,20<br>0<br>4<br>0<br>1    | 19 50<br>19 23,000<br>19 21<br>19 21,000<br>19 1,200<br>19 2,000<br>19 19 50<br>19 19 50<br>19 20<br>19 20<br>10 2 |
| Jack F. Harang<br>Ollie B. Brown, Jr., Attorney<br>(H. L. Hawkins & H. L. Haw-   | 1<br>,6,16,20<br>0<br>4<br>0<br>1<br>1 | 123,000<br>122,000<br>122,000<br>122,000<br>122,000<br>123,000<br>123,000<br>123,000  |

<sup>1</sup> Producer did not file an initial refund report pursuant to the applicable opinion. All others filed initial refund reports. The requirement for filing initial refund reports is now moot, since disbursements have been ordered. <sup>2</sup> Estimated by buyer. <sup>3</sup> Refund disbursement report filed after tabulation compiled.

compiled.

4 Preliminary report filed and eserow agent directed to disburse refunds to buyer.

[FR Doc.77-21095 Filed 7-22-77;8:45 am]

#### [Docket No. ER77-412] ILLINOIS POWER CO. Filing of Modification No. 3

JULY 18, 1977.

Take notice that on June 30, 1977, Illinois Power Company ("Illinois Power") tendered for filing proposed Modification No. 3 to the Interconnection Agreement ("Agreement") dated August 19, 1974, between Illinois Power and the City of Mascoutah, Illinois, Illinois Power indiated that the time of the control of the contr cates that the Commission has previously designated the August 18, 1974 Agreement as Illinois Power Rate Schedule FPC No. 71.

Illinois Power states that Modification No. 3 provides for a proposed increase in the demand charges for Short-Term Firm Capacity and Maintenance Capacity transactions. An effective date of July 1, 1977 is requested, and Illinois Power therefore requests waiver of the Commission's notice requirements.

A copy of the filing was served upon the City of Mascoutah and the Illinois Commerce Commission, according to Illinois Power.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the

<sup>&</sup>lt;sup>1</sup> See Attached Appendix A. <sup>2</sup>The exclusion has no applicability to those situations where the estimated refund amounts are not available.

Federal Power Commission; 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 1, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell, Acting Secretary.

[FR Doc.77-21334 Filed 7-22-77;8:45 am]

[Docket No. ER77-416]
ILLINOIS POWER CO.
Filing of Modification No. 3

JULY 18, 1977.

Take notice that on June 30, 1977, Illinois Power Company ("Illinois Power") tendered for filing proposed Modification No. 3 to the Interconnection Agreement ("Agreement") dated August 26, 1974, between Illinois Power and the City of Highland, Illinois. Illinois Power indicates that the Commission has previously designated the August 26, 1974 Agreement as Illinois Power Rate Schedule FPC No. 72.

Illinois Power states that Modification No. 3 provides for a proposed increase in the demand charges for Short-Term Firm Capacity and Maintenance Capacity transactions. An effective date of July 1, 1977 is requested, and Illinois Power therefore requests waiver of the Commission's notice requirements.

A copy of the filing was served upon the City of Highland and the Illinois Commerce Commission, according to Illinois Power.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 1, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

> Lois D. Cashell, Acting Secretary.

[FR Doc.77-21333 Filed 7-22-77;8:45 am]

[Docket No. ER77-411]
ILLINOIS POWER CO.
Filing of Modification No. 3

JULY 18, 1977.

Take notice that on June 30, 1977, Illinois Power Company ("Illinois Power"), tendered for filing proposed Modification No. 3 to the Interconnection Agreement dated August 13, 1974, hetween Illinois Power and the Cities of Breese and Carlyle, Illinois. Illinois Power indicates that the Commission has previously designated the August 13, 1974 Agreement as Illinois Power Rate Schedule FPC No. 70.

Illinois Power states that Modification No. 3 provides for a proposed increase in the demand charges for Short-Term Firm Capacity and Maintenance Capacity transactions. An effective date of July 1, 1977, is requested and Illinois Power therefore requests waiver of the Commission's notice requirements.

A copy of this filing was served upon the Cities of Breese and Carlyle and the Illinois Commerce Commission, according to Illinois Power.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 1, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

> Lois D. Cashell, Acting Secretary.

[FR Doc.77-21331 Filed 7-22-77;8:45 am]

#### [Docket No. ER77,482] MICHIGAN POWER CO.

Order Accepting for Filing and Suspending Proposed Increased Rates, Waiving Notice Requirements, Initiating Hearing, and Establishing Procedure

JULY 19, 1977.

On July 1, 1977, Michigan Power Company (Company) tendered for filing a proposed two-step increase in its rates and charges for jurisdictional sales to Indiana & Michigan Electric Company (Indiana). The filing has been designated as Supplement No. 1 to Supplement No. 2 to Company's Rate Schedule FPC No. 25 and would increase the Company's revenues by \$266,577, or 1,203% based on the 12-month period ending August 1, 1978. Company proposes an

effective date of August 1, 1977, for its first-step increase and December 1, 1977, for its second-step increase, with waiver of the 90-day notice provision requested.

The filing sets forth a two-step increase in rates. Effective August 1, 1977, the proposed rates will be \$0.858 per Kw times the sum of the respective single maximum non-coincident 15-minute integrated Kw demands for the month at each of the delivery points between Company and Indiana's customer, Fruit Belt Electric Cooperative. Effective December 1, 1977, the proposed rates will be raised to \$1 per Kw.

In support of its proposed increases, Company bases its August 1 rate on its plant in service for 1976, adjusting it for reclassification and retirement of certain electric plant in service. The higher December 1 rate is proposed to become effective on that date to correspond to the in-service date of four additional delivery points and to provide compensation for additions to plant in 1977, requested by Indiana, and is supported by adjustments to 1976 cost-of-service.

A review of Company's filing indicates that the proposed increase in rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: (1) Good cause exists to waive the 90-day notice requirement and to accept for filing and suspend the proposed increased rates and charges tendered by the Company on July 1, 1977, as hereinafter ordered

on July 1, 1977, as hereinafter ordered.

(2) It is necessary and proper in the public interest to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing to determine the justness and reasonableness of the proposed increased rates and to establish procedures for that hearing, as hereinafter ordered.

The Commission orders: (A) The notice requirement of our Regulations (18 CFR, 35.3) is hereby waived and the proposed increased rates and charges tendered by the Company on July 1, 1977, are hereby accepted for filing.

(B) Pursuant to the authority contained in and subject to the provisions of the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations Under the Federal Power Act, a public hearing will be held concerning the lawfulness of the proposed increased rates and charges tendered by the Company on July 1, 1977.

(C) Pending such hearing and decision thereon, the first-step increased rates and charges proposed to become effective on August 1, 1977, are hereby suspended and the use thereof deferred until November 1, 1977, when they shall become effective subject to refund; and the second-step increased rates and charges proposed to become effective December 1, 1977, are hereby suspended and

the use thereof deferred until December 2, 1977, when they shall become effective subject to refund.

- (D) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before November 15, 1977 (see, Administrative Order No. 157).
- (E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see, Delegation of Authority, 18 CFR 3.5(d)), shall preside at an initial conference in this proceeding to be held on November 22, 1977, at 10 a.m. (ET) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Law Judge is authorized to establish all procedural dates and to rule upon all motions (except petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.
- (E) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

KENNETH F. PLUMB, Secretary.

[FR Doc.77-21325 Filed 7-22-77;8:45 am]

# [Project No. 5] MONTANA POWER CO. Order Providing for Hearing

JULY 19, 1977.

On August 18, 1976, the Confederated Salish and Kootenai Tribes of the Flat-head Reservation (Tribes) filed through their attorney a motion to consolidate for hearing earlier filed petitions: (1) That a readjustment be made of the annual charges paid to the tribes pursuant to Section 10(e) of the Federal Power Act (Act), 16 U.S.C. 803(e), and Article 30(d) of the project license for use of Tribal lands by The Montana Power Company (Licensee), Licensee for Kerr Project No. 5; and (2) that Licensee be compelled to establish and maintain amortization reserves pursuant to section 10(d) of the Act; 16 U.S.C. 803(d), and Article 34 of the project license. The License filed a petition for readjustment of annual charges on March 30, 1971. The Tribes also filed a petition for the readjustment of annual charges on May 28, 1975. On May 10, 1965, the Tribes petitioned the Commission to compel the Licensee to establish and maintain amortization reserves for Project No. 5. By motion filed July 6, 1976, the Tribes moved that the May 10, 1965, petition be set for hearing.

The Kerr Project has an installed capacity of 168,000 kW and is located on the Flathead River approximately five miles downstream from Poulson, in Flathead and Lake Counties, Montana. The project dam is located entirely on Tribal lands. The Tribes also own one-half of the land inundated by the reservoir. On May 23, 1930, the Commission issued a 50-year license to Rocky Mountain Power Co. pursuant to the Federal Water Power Act and the Act of March 7, 1928, 45 Stat.

200. Rocky Mountain Power Co., Project No. 5, 10th Ann. Rpt. 112, 222 (1930). In 1938 the license for Project No. 5 was transferred to the current Licensee.

#### ANNUAL CHARGES

The annual charges paid by the Licensee to the Tribes for Project No. 5 have been readjusted twice by the Commission. The most recent readjustment occurred in 1967 when the Commission issued Opinion No. 529 and Order Readjusting Annual Charges, The Montana Power Co.., 382 FPC 766 (1967), ruling denied, 39 FPC 321 (1968). Opinion No. 529 readjusted the annual charges from \$238,-375 to \$950,000 effective as of May 20. 1959, with a simple interest rate of six percent per annum from such date. The Court of Appeals upheld the Commission's Opinion and Order with exception of reducing the rate of interest from six percent to four percent per annum. The Montana Power Co. v. FPC; 459 F. 2d 863 (CADC-1972), cert. denied, 408 U.S. 930 (1972). By Order of July 20, 1972, the Commission vacated its stay of Opinion No. 529 and ordered the Licensee to pay to the Tribes \$11,249,213.81 for the period May 20, 1959 through December 31, 1971. The Montana Power Co., 48 FPC 135 (1972).

As mentioned above, on March 30, 1971, Licensee petitioned the Commission to set for hearing the matter of the readjustment of the annual charges for use of Tribal lands for the period commencing May 23, 1969. The Licensee further requested that it be allowed to submit evidence that the arbitration clause contained in Article 30(d)1 of the license was a bargained for feature of the license. The Licensee stated that it has not been afforded the opportunity to present evidence that the arbitration clause was bargained for. The Licensee stated further that the Court of Appeals suggested that the Licensee prove the clause was bargained for, The Montana Power Co. v. FPC, 445 F. 2d 739 (CADC-1970), cert. denied 400 U.S. 1013 (1970). The Licensee stated that if allowed to produce such evidence, and the Commission agrees that the clause was bargained for, then the readjustment for the period beginning May 23, 1969, should be submitted to arbitration.

Article 30(d) of the license provides that: The annual charges payable under this license may be readjusted at the end of twenty (20) years after the beginning of operation under this license and at periods of not less than ten (10) years thereafter by mutual agreement between the Commission and the Licensee, with the approval of the Secretary of the Interior. In case the Licensee, the Commission, and the Secretary of the Interior cannot agree upon readjustment of such charges, it is hereby agreed that the fixing of readjusted charges shall be submitted to arbitration in the manner provided for in The United States Arbitration Act (U.S.C. Title 9), such readjusted annual charges to be reasonable charges fixed upon the basis provided in Section 5 of Regulation 14 of the Commission, to wit, upon the commercial value of the tribal lands involved, for the most profitable purposes for which suitable, including power development.

By pleading of June 28, 1971, and by letter of May 2, 1972, the Tribes responded to the Licensee's petition stating that the question of whether or not the arbitration clause was bargained for had already been litigated and that the Licensee was bound by the decision, The Tribes stated that the Court of Appeals in the 1970 decision held that any readjustment of the annual charges was to be made by the Commission after notice and opportunity for hearing. Furthermore, the Tribes stated that when the Commission ordered a hearing on the petition, including the issue of Commission jurisdiction, the Licensee sucd to enjoin the proceedings, but the suit was dismissed. (U.S.D.C. Montana Civil No. 1251, Order entered May 24, 1965). The Tribes claimed that it would not approve of a new readjustment proceeding until the proceeding pending before the Court of Appeals was concluded. By letter of July 13, 1972, the Department of the Interior (Interior) indicated that

on May 28, 1975, the Tribes position.

On May 28, 1975, the Tribes petition the Commission for a readjustment of the annual charges to be paid to the Tribe by the Licensee for the period beginning May 20, 1975, and ending May 23, 1980, the expiration date of the license for Project No. 5. No response to the petition was filed by the Licensee. On July 11, 1975, the Tribes in a separate, but related, proceeding advised the Commission that negotiations were being undertaken between the Licensee and the Tribes respecting the annual charges for

Project No. 5.3

By motion filed on July 1, 1976, the Tribes requested that their petition for readjustment of annual charges be set for hearing, because the Tribes and the Licensee have failed to reach agreement on the readjustment. The Tribes argued that the current annual charge for the use of their lands is no longer reasonable, based on the commercial value of the Tribal lands involved. In its response filed July 16, 1976, the Licensee stated that it does not oppose the Tribes' request for a hearing on the readjustment of annual charges. The Licensee, however, requested that any hearing ordered commence no earlier than six months from the date of any ruling on the motion.

On June 16, 1977, the Tribes filed an amended petition requesting that the

<sup>&</sup>lt;sup>2</sup> Subsequent to the Commission order setting for hearing the readjustment of annual charges in 1965, the Licensee sued in the U.S. District Court of Montana to compel compliance with the arbitration clause in the license and for the appointment of an arbitrator. The court dismissed the suit holding that it would not have jurisdiction unless it was held in the proceeding pending before the Commission, subject to the review of the Court of Appeals, that the arbitration provision controls.

<sup>3</sup> See "Motion for Extension of Time Within

<sup>&</sup>lt;sup>3</sup> See "Motion for Extension of Time Within Which to Answer or Object to Motion of Staff Counsel to Dismiss Application for License" filed July 11, 1975 in Project No. 2507. The application for license for Project No. 2507 was dismissed by Commission order issued December 15, 1975.

effective date of any readjustment of annual charges be May 20, 1969. As stated above, the Licensee requested its petition of March 30, 1971, an effective date of May 23, 1969. By filing dated July 1, 1977, the Licensee requested that the amended petition be striken and that any readjustment be effective May 28, 1975.

We believe that it is appropriate to provide for a hearing to determine whether or not the annual charges paid to the Tribes by the Licensee should be readjusted, and if so, what such readjustment should be and what the effective date should be. Concerning the Licensee's request of a six-month delay before the start of the hearing, we are delegating the authority to fix the hearing dates to the Presiding Administrative Law Judge. We expect the Judge to take the Licensee's request into consideration when setting the hearing date.

We believe the Licensee should not be allowed to present evidence on the issue of whether or not the arbitration clause contained in Article 30(d) was bargained for. The court has rejected the Licensee's argument that the arbitration clause was bargained for, The Montana Power Co. v. FPC, 445 F.2d at 750. The court further stated:

We see nothing in the negotiations, or in the license itself, to suggest that the arbitration provision was more than simply a means of achieving the goal of impartial application of the general standard embodied in the license. (at page 754).

Licensee presented no new facts or law that would necessitate a hearing on the issue. In Seatrain Lines v. Pennsylvania, 207 F. 2d 225, 259 (CA3-1952), the court stated:

Normally, if such an issue, albeit concerning the jurisdiction of the tribunal itself, has once been decided between the parties be competent court, another court will not permit the matter to be relitigated between the same parties in another case. \* \* \* The present case does not present the additional consideration that the first decision was by \* \* \* administrative tribunal, rather than a court. But in the circumstances that should make no difference. There was a contested proceeding before the Commission, with decision pending upon the present issues and the parties taking opposite sides upon it. Res judicata should and does apply.

The Supreme Court has upheld the principle that if an issue has been resolved in a contested proceeding then the parties or the agency are collaterally estopped from arguing the issue in a subsequent proceeding. U.S. v. Utah Construction Co., 384 U.S. 391 (1966). The Court stated at pages 421–22:

Occasionally courts have used language to the effect that res judicata principles do not apply to administrative proceedings, but such language is certainly too broad. When an administrative agency is acting in a judicial capacity and resolves disputed issues of fact properly before it which the parties have had an adequate opportunity to litigate, the courts have not hesitated to apply res judicata to enforce respose. Sunshine Anthracite Goal Co. v. Adkins, 310 U.S. 381 (1939).

As stated previously, the Court of Appeals rejected Licensee's argument that the arbitration clause was a bargained for license provision. We are, therefore, denying the Licensee's request that the hearing include the taking of evidence on the arbitration clause as a bargained for portion of the license.

#### AMORTIZATION RESERVES

On July 7, 1976, the Tribes moved the Commission to set for hearing their petition filed May 10, 1965 requesting the Commission to compel the Licensee to establish and maintain amortization reserves pursuant to Section 10(d) of the Act and Article 34 of the project license. On August 5, 1976, the Licensee respended to the motion requesting that it be denied or dismissed as moot because the Licensee was undertaking to determine the amount, if any, to be placed in the amortization reserve. By direction of the Commission, the Secretary requested the Licensee on December 17, 1976, to submit a computation of annual project earnings and the current effect on the amortization reserve for the project consistent with the principles set forth in Order No. 387 and Opinion No. 596-A. The Licensee filed the requested information on February 15, 1977.

As noted above, on August 18, 1976, the Tribes moved for consolidation of the readjustment of annual charges and the amortization reserve questions. The Licensee responded to the motion to consolidate on August 30, 1976, objecting to the motion. Licensee stated that there was nothing to consolidate, because it has undertaken to establish and maintain an amortization reserve. By motion filed April 29, 1977, Interior requested that the Commission grant the Tribes Motion to consolidate.

We do not believe that the amortization reserve question and the readjustment of annual charges question should be consolidated for hearing. As noted by the Licensee in its answer filed on August 5, 1976, the amount that it pays to the Tribes for annual charges affects its earnings which in turn would affect any amounts to be placed in the amortization reserves. Thus, until the question of annual charges has been finally determined it would be appropriate to defer any hearing on the amounts, if any, to be placed in the amortization reserves. Of course, the Licensee should continue to follow the principles set forth in Order

\*Beginning in 1965, the Licensee and the Tribes have made several requests respecting the amortization reserves. Also, on January 18. 1966, Interior filed a petition to intervene in the proceeding concerning the Tribes' petition of May 10, 1965. It should be noted that because a rulemaking proceeding involving a statement of policy regarding net investment and amortization reserves was ongoing at that time and culminated in Commission Order No. 387, 42 FPO 329 (1969), and because a subsequent proceeding involving a similar type of amortization reserve question in Project No. 82, which was not completed until August 31, 1970, no action was taken on the Tribes' petitions in this matter. (See also, Opinion No. 596, Alabama Power Co., 45 FPO 1068 (1971), reversed Alabama Power Co., v. FPO, 482 F. 2d 1218 (CA5-1973); and Opinion 596-A issued August 31, 1976.)

No. 387 and Opinion No. 596—A to determine annually, subject to Commission review, the amounts to be placed in the amortization reserve. We are, however, deferring any action on the Tribes' petition respecting amortization reserves until the appropriate time.

#### PETITION TO INTERVENE

On April 29, 1977, the Secretary of the Interior petitioned to intervene in the proceeding respecting the proposed readjustment of the annual charges. The petition stated that the Tribal lands utilized by the project are under the supervision of the Secretary of the Interior. No response to the petition to intervene has been received.

The Commision finds. (1) It is appropriate and in the public interest for the purposes of the Federal Power Act to hold a hearing, as hereinafter provided, respecting whether or not the annual charge for the use and occupancy of Tribal lands by Project No. 5 should be readjusted; and, if so, what the readjusted annual charge should be and what the effective date of such charge should be.

(2) It is appropriate and in the public interest that Licensee's request to present evidence on whether or not the arbitration clause in Article 30(d) was bargained for be denied.

(3) It is appropriate and in the public interest that the Tribe's motion of August 18, 1976, requesting consolidation be denied.

(4) Participation by the Secretary of the Interior in this proceeding may be in the public interest.

The Commission orders. (A) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon, the Federal Power Commission by the Federal Power Act, particularly Sections 10(e) and 308, thereof; the license for Project No. 5; and the Commission's Rules of Practice and Procedure; a Prehearing Conference shall be held at 9:30 a.m. on August 17, 1977, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. respecting the matters involved and the issues presented in finding (1) above.

(B) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose pursuant to Section 3.5(d) of the Commission's Rules and Regulations, 18 CFR 3.5(d) (1976), shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates and to rule on all motions with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss.

(C) The Commission's Rules of Practice and Procedure shall apply in this proceeding, except to the extent they are modified and supplemented herein.

(D) Licensee's request to submit evidence at the hearing respecting the issue of whether or not the arbitration clause of Article 30(d) of the license was bargained for is hereby denied.

(E) The Secretary of the Interior is hereby permitted to intervene in the pro-

ceeding subject to the Commission's Rules and Regulations: Provided, however, That the participation of such intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene; Provided further, That the admission of such intervenor in these proceedings shall not be construed as recognition by the Commission that the intervenor might be aggrieved by any order or orders entered in these proceedings.

By the Commission.

KENNETH F. PLUMB, Secretary.

[FR Doc.77-21329 Filed 7-21-77;8:45 am]

[Docket No. CI77-298]

### TENNECO INC. AND AMOCO PRODUCTION CO., ET AL.

**Order Granting Motion** 

JULY 19, 1977.

On June 20, 1977, Mobil Oil Corporation (Mobil) filed a motion in this proceeding requesting the Commission to join Channel Industries Gas Company (Channel), Tennessee Gas Pipeline Company, a division of Tenneco Inc. (Tennessee) and Tenneco Oil Company, a division of Tenneco, Inc. (Tenneco Oil) as party respondents. Mobil states in support of its motion that these parties are involved in the transactions which are the subject of the investigation instituted in this docket.

Mobil states that Tenneco Inc.'s Petition for Declaratory Order, filed February 28, 1977, as amended, which constitutes the basis for the subject investigation is replete with references to the significant involvement of Channel and Tennessee in the sale of natural gas from the fields enumerated therein. Mobil also alleges that Tenneco Oil is a non-signatory party to the Mobil contract with Channel covering sales to Channel from the Seeligson Field. In the Commission's June 6, 1977 order which set this proceeding for hearing, these Seeligson sales were specifically made subject to this investigation.

In order to permit a full evaluation of all the facts and circumstances relating to the sales of natural gas which are the subject of this investigation, we find that it is appropriate to join as respondents the parties listed in Mobil's motion. Therefore, we shall grant Mobil's June 20, 1977 motion.

The Commission orders. Mobil's June 20, 1977 motion is hereby granted and Channel, Tennessee and Tenneco Oil are hereby made respondents.

By the Commission.

Kenneth F. Plumb, Secretary.

[FR Doc.77-21326 Filed 7-22-77;8:45 am]

[Docket No. RP 75-74]

TRANSWESTERN PIPELINE CO.

Order Accepting Settlement and Remanding Rate of Return Issue

JULY 19, 1977.

The proceedings in this docket were initiated by a general rate increase filing on March 14, 1975, by Transwestern Pipeline Company. On October 1, 1975, the Commission set the matter for hearing. We now have before us a settlement certified to the Commission by Presiding Administrative Law Judge Israel Convisser on December 21, 1976. The certification states that a partial settlement has been reached and certain issues reserved for hearing. These reserved issues are currently pending before the Administrative Law Judge. While settlement was not reached on a proper allowed rate of return, all parties agreed to argue their cases in initial and reply comments before the Commission rather than in hearing. Thus, our action on the contested reserved rate of return issue does not impact upon acceptance of the settlement to which no party or the Commission staff objected. The rates involved herein were effective for the lock-in period October 1, 1975, to June 1, 1977.

The only intervenor who appeared at

The only intervenor who appeared at the hearing, City Service Gas Company, concurs in the rate of return contained in the settlement agreement and no other parties object except staff and the Public Utilities Commission of the State of California. Staff counters with its own proposal as to rate of return.

Upon review of the settlement agreement, we will accept the settlement and grant waiver of the Commission's Rules necessary to effectuate all the provisions of the stipulation and agreement.

Upon our review of the evidentiary record on rate of return, we find that insufficient information exists for a reasoned determination of the facts upon which to establish the rate of return. We, therefore, order that this issue in the proceeding be remanded to the Presiding Judge for hearings and for the presentation of further evidence and argument by the parties on this issue. We outline below some of the areas in which the record is deficient and to which the parties should give special attention in their new submittals.

The agreement provides in Article I for the filing of revised tariff sheets upon final action by the Commission on the issues which are reserved by Article II, and provides for the payment of appropriate refunds. Article II outlines six reserved issues which are now pending before the Presiding Administrative Law Judge. Article III provides specifically that cost allocation, classification, and rate design shall be applied in accordance with final Commission order in Docket No. RP74-52, and specifically reserves to staff the right to raise these issues in subsequent filings by Trans-western. Article IV defines "advance payment tracking" and outlines certain provisions with reference to the application of advance payment tracking. Article V outlines the effectiveness of the proposed settlement and Article VI provides for the term of the agreement.

Acceptance of the settlement will not result in any immediate filing of revised tariff sheets reflecting the settlement nor immediate refunds. The settlement provides such revised tariff sheets need not be filed until within 10 days after the date of a final Commission order (no longer subject to judicial review) determining the issues reserved by the settlement for hearing. It further provides that refunds are required only within 60 days after the date of a final Commission order determining the reserved issues. The hearing on the re-served issues has concluded, briefs have been filed with the Administrative Law Judge and the issues are awaiting this decision.1 Therefore, any refunds flowing to customers as a result of this settlement will not be distributed until after the reserved issues are finally decided. Remand of the rate of return issue will necessarily require some additional procedural time but we believe it necessary on this record and that the resultant delay will be minimal, if any, if the Law Judge immediately reopens the proceedings on the reserved issues to permit submittal of evidence and cross-examination on the rate of return question and then rules on all issues before him in this docket in a single initial decision.

#### RATE OF RETURN

The initial and reply comments of Company and Staff argue solely the issues of rate of return on common equity and overall rate of return. The settlement would provide an overall rate of return of 10.5% with a resulting rate of return on equity of 13.704%. Staff proposes a 9.75% overall rate with a 12.37% rate on common equity. The settlement, however; contains no reference to agreement on the proper capital structure or cost rate for debt. The Commission must determine these questions if it is to issue an order on the proper rate of return to allow on rate base. In our review of the testimony presented by Company and Staff, we find it necessary to reject both proposals put forth on these issues.

Company witness Bixby would have us include in the adjusted capitalization for September 30, 1975, a prospective long term debt issue at a rate of 12% that was apparently never issued (see Staff Reply Comments, App. B, p. 2 of 3). While this sale may have been reasonably included in the capitalization at the time of the initial filing in early 1975, the Company had ample opportunity to offer updated capitalization figures for purposes of the comments. Staff revised its capitalization and rate of return recommendation in July of 1976.

Staff witness Adelman, on the other hand, would substitute a lesser amount of

<sup>&</sup>lt;sup>1</sup>On June 27, 1977, Atlantic Richfield Company, Shell Oil Company and Sun Company, Inc. joined in Mobil's motion.

<sup>&</sup>lt;sup>1</sup>The hearing was closed on January 21, 1977, and the last briefs were submitted, on April 6, 1977.

short term debt at a rate of 10% for Transwestern's prospective 12% issue. Staff's argument for the inclusion of short term debt is "to bring total capitalization in line with the staff-adjusted rate base." (Tr. 162). No evidence, however, was presented to show a need on the part of Transwestern for employing short term debt in its rate base financing. Staff simply noted that "the company presumably has relied on short-ferm debt to finance a portion of jurisdictional rate base since permanent capital (longterm debt, preferred stock and common equity) falls \* \* \* short." (Tr. 162). This does not appear to be sufficient cause for including short term debt in the capitalization. Indeed, the Commission ruled in its previous order on Transwestern (Docket No. RP74-52) that short-term debt should be excluded. In that case, however, permanent capital was approximately equal to rate base.

Transwestern is practically a wholly owned subsidiary of Texas Eastern which has 99.47% ownership. There is evidence in the record that, in this parent-subsidiary relationship, Transwestern does not act as an autonomous corporate entity. The staff witness noted that "Transwestern's equity ratio is currently somewhat thicker than either its parent or the [three comparable utility] groups, due primarily to net earnings retention averaging 71.5% which is substantially greater than is traditional for regulated industries." (Tr. 160.) Staff argued that this is due to Texas Eastern's ability to set Transwestern's dividend payout ratio in relation to Texas Eastern's financial requirements.

In general, the capital structure used to arrive at the overall allowable rate of return should represent the prospective capital structure of the utility consistent with the risk profile of is operations. Staff's Exhibit 42 shows that the average common equity ratio of 13 Major Class A and B Pipelines increased from 33% to 38% during the period 1970 through 1974. During the same period Transwestern's equity ratio changed from 28% to 41%. The capital structures proposed by Transwestern and Staff as of September 30, 1975, reflect common equity ratios of 42% and 43%, respectively. Further, Staff's reply brief notes that the capital structure proposed by Transwestern in its latest filing (RP77-19) includes an equity ratio of 54%. These statistics raise questions concerning the extent to which Transwestern's capital structure is influenced by its parent's overall operations with little regard to Transwestern's financing risks. The propriety of its use in determining the overall allowed

Concerning the issue of rate of return on common equity, we find Staff's basing its final recommendation on the Commission's ruling in an earlier docket an insufficient basis for determining return on common equity. Staff, in initial testimony, argued that a 12% rate of return on common equity was fair and reasonable. On March 2, 1976, the Commission issued an order approving a settlement

rate of return for Transwestern is there-

fore questionable.

agreement in Docket No. RP74-52 including an overall rate of return for Transwestern of 9.75% for the locked-in period July 11, 1974, to October 1, 1975. Subsequently, Staff revised its capitalization exhibit to yield the same overall rate of return of 9.75% in the instant docket and thereby offering a rate of return of 12.37% on common equity for the locked-in period beginning October 1, 1975, and ending June 1, 1977. We reject this procedure.

In remanding this case for hearings and for the presentation of additional evidence, we are directing all parties to address the following issues:

(1) The appropriate capitalization to be used in determining an overall rate of return for Transwestern;

(2) The propriety of including shortterm debt in Transwestern's capitalization during the period in question, and

(3) The extent that the rate of return on common equity allowed in the earlier docket is appropriate and relevant for the period covered by this docket. Parties should take into account changes in the cost of common equity resulting from changes in the money market, changes in the equity ratio, and other changes in the period since the earlier docket.

The Commission finds: (1) It is desirable and in the public interest that the settlement agreement submitted by Transwestern Pipeline Company in this proceeding be accepted.

(2) Good cause exists to remand for hearing the issue of the appropriate rate of return for Transwestern Pipeline Company.

The Commission orders: (A) The Stipulation and Agreement submitted by Transwestern Pipeline Company certified on March 14, 1975, and incorporated herein by reference is approved.

(B) Revised tariff sheets shall be filed by Transwestern Pipeline Company in accordance with Article I of the Stipulation and Agreement, at such time as designated therein, subject to approval of the Commission.

(C) Within 30 days of the Commission's approval of Transwestern Pipeline Company's substitute tariff sheets in accordance with Paragraph (B), above, or within 60 days after the date upon which the Commission order determining the issues reserved by Article II of the Stipulation and Agreement becomes final (as provided in Article I, Part 2(d)), whichever is later, Transwestern shall refund to its customers for the period October 1, 1975, to June 1, 1977, all amounts, if any. collected in excess of those which would have been payable under the rates and charges approved, in accordance with Paragraph (A), above, and in accordance with such other orders of the Commission on the reserved and remanded issues, herein, together with interest at a rate of nine percent per annum from the date of payment to Transwestern Pipeline Company to the date of refund.

(D) Within 15 days after refunds have been made, Transwestern shall file with the Commission a compliance report showing monthly billing determinants and revenues under prior, present, and adjudicated rates; monthly adjudicated rate increase, monthly rate refund, and the monthly interest computation, together with a summary of such information for the total refund period. A copy of such report shall also be furnished to each state commission within whose jurisdiction the wholesale customer distributes and sells natural gas at retail.

(E) The issue of the proper rate of return for Transwestern Pipeline Company in this docket is remanded for hearing for consideration with the remainder of the reserved issues in the docket presently before the Presiding Administrative Law Judge.

(F) The Administrative Law Judge shall reopen the record on the reserved issues for the receipt of evidence andcross-examination upon the issue of the proper rate or return in this proceeding.

(G) The Commission's General Rules and Regulations, including, but not limited to, Part 154 thereof, are waived to the extent necessary to effectuate all of the provisions of the Stipulation and Agreement approved in Paragraph (A), above.

By the Commission.

Kenneth F. Plumb, Secretary.

[FR Doc.77-21328 Filed 7-22-77;8:45 am]

# FEDERAL RESERVE SYSTEM DETROITBANK CORPORATION

Order Approving Acquisition of Bank

DETROITBANK Corporation, Detroit, Mich., has applied for the Board's approval under Section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)), to acquire 100 percent of the voting shares (less directors' qualifying shares) of Kentwood Bank, N.A., Kentwood, Mich. (in organization), which will acquire the deposits and assume the liabilities of Kentwood National Bank, Kentwood, Mich. (Bank). The Kentwood Bank, N.A., has been organized solely as a means to facilitate the acquisition of Bank's assets and the assumption of its liabilities. Accordingly, the acquisition of the bank in organization is treated herein as the proposed acquisition of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with Section 3(b) of the Act. The time for filling comments and views has expired, and the Federal Reserve Bank of Chicago has considered the application and all comments received in light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1342(c)).

Applicant, the third largest banking organization in Michigan, controls five banks, all located in the Detroit banking market, with aggregate deposits of \$2.7 billion, representing about 8.8 percent of the total commercial bank deposits in the State. Consummation of

<sup>&</sup>lt;sup>1</sup>All banking data are as of June 30, 1976, and represent all holding company formations and acquisitions approved through April 30, 1977.

this proposal would increase Applicant's total State deposits by about 0.01 of a percentage point and would not significantly affect statewide concentration of banking resources in Michigan.

Bank (deposits of \$3.5 million) holds about 0.2 percent of the total deposits in commercial banks in the relevant banking market and ranks as the 14th largest of 15 banks operating therein.3 The office of Applicant's subsidiary bank closest to an office of Bank is located 128 miles from Bank. It appears that no meaningful competition presently exists between any of Applicant's banks and Bank; nor does it appear likely that any significant competition would develop between them in the future in view of the distances involved and Michigan's restrictive branching laws. Although Applicant has the managerial and financial resources to enter the market de novo, the acquisition of a financial institution of the size of Bank is viewed as an acceptable alternative to such entry. Moreover, the proposal should have a salutary effect on competition by introducing another large banking organization to the market. Thus, it is concluded that competitive considerations are consistent with approval of the application.

Considerations relating to the financial and managerial resources and future prospects of Applicant, its existing subsidiary banks, and Bank, are generally satisfactory and consistent with approval

of the application.

Bank would offer specialized services such as trust and international banking on a correspondent or referral basis through Applicant's lead bank, and Bank's lending limit would be effectively increased through loan participations with Applicant's affiliates. Considerations relating to the convenience and needs of the community to be served are consistent with and lend some weight toward approval of the application. It is the judgment of this Reserve Bank that the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made: (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago, pursuant to dele-

gated authority.

By order of the Federal Reserve Bank of Chicago, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective July 7, 1977.

ROBERT P. MAYO. President.

[FR Doc.77-21279 Filed 7-22-77;8:45 am]

### **NOTICES** LAKE VIEW BANCORP, INC.

#### Formation of Bank Holding Company

Lake View Bancorp, Inc., Northbrook, Illinois, has applied for the Board's approval under § 3(a) (1) of the Bank Holding Company Act (12 U.S.C. § 1842(a) (1)) to become a bank holding company through acquisition of 99.9 percent of the voting shares of Lake View Trust and Savings Bank, Chicago, Il-linois. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at

the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than August 15, 1977.

Board of Governors of the Federal Reserve System, July 18, 1977.

RUTH A. REISTER. Assistant Secretary of the Board. [FR Doc.77-21280 Filed 7-22-77;8:45 am]

#### DEPARTMENT OF THE INTERIOR

**Bureau of Land Management** [F-19148-1]

#### ARCTIC SLOPE REGIONAL CORP. Alaska Native Claims Selection

On November 15, 1973, pursuant to section 12(c)(3) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 702; 43 U.S.C. 1601, 1611), the Arctic Slope Regional Corporation filed selection application F-19148-1, covering the surface and subsurface estates of the lands described herein.

It has been determined that the application has been properly filed and meets all the requirements of the act and the regulations issued pursuant to the act, as well as the provisions of the special agreement between the Department of the Interior and the Arctic Slope Re-gional Corporation dated February 26, 1974. The selected lands described below do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, aggregating approximately 221,575 acres, are considered proper for acquisition by the Arctic Slope Regional Corporation, subject to valid existing rights, and are hereby approved for interim conveyance pursuant to section 14(e) of the act:

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

ANAKTUVUK UNIT F-19148-1

T. 13 S., R. 1 W.

Secs. 1 to 17, inclusive; Sec. 18, excluding Native allotment F-17886 Parcel B; Secs. 19 to 36, inclusive.

T. 13 S., R. 1 E.

Secs. 1 to 21, inclusive;

Secs. 22 and 23, excluding Native allotment F-16437:

Secs. 24 to 36, inclusive.

T. 13 S., R. 3 E.

Secs. 1 to 6, inclusive; Secs. 7 and 8, excluding Native allotment F-16313:

Secs. 9 to 18, inclusive;

Sec. 19, excluding Native allotment F-16437, Parcel A; Secs. 20 and 21, excluding Native allotment F-028554:

Secs. 22 to 27, inclusive;

Secs. 22 to 27, inclusive;
Secs. 28 and 29, excluding Native allotments F-028554 and F-17882;
Sec. 30, excluding Native allotment F-16437, Parcel A;

Secs. 32 and 33, excluding Native allotment F-17882;

Secs. 34, 35, and 36.

T. 14 S., R. 2 E.

Secs. 1 to 24, inclusive; Sec. 25, excluding Native allotment F-38
Parcel A;

Sec. 26;

Sec. 27, excluding Native allotment F-17887;

Secs. 28 to 34, inclusive; Sec. 35, excluding Native allotment F-16415.

T. 14 S., R. 4 E.
Secs. 1 to 5, inclusive;
Secs. 7 to 36, inclusive.
T. 15 S., R. 1 W.
Secs. 1 to 14, inclusive;
Sec. 15, excluding Native allotment F.
16431;
Secs. 16, to 21, inclusive.

Secs. 16 to 21, inclusive; Sec. 22, excluding Native allotment F-16431;

Secs. 23 to 36, inclusive. T. 15 S., R. 1 E.

Secs. 1 to 34, inclusive.

Secs. 1 to 18, inclusive;
Secs. 1 to 18, inclusive;
Sec. 19, excluding Native allotment F16445;
Secs. 20 to 24, inclusive.

T. 16 S., R. 2 E. All.

T. 16 S., R. 4 E. A11.

T. 17 S., R. 1 W. (fractional)

T. 17 S., R. 1 E. (fractional)

T. 17 S., R. 3 E. (fractional)

All.

The interim conveyance issued for the surface and subsurface estates of the lands described shall contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. A right-of-way thereon for the con-struction of railroads, telegraph and telephone lines, as prescribed and directed by the act of March 12, 1914 (38 Stat. 305; 43 U.S.C. 975(d)).

3. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616), the following public easements referenced by easement identification number (EIN) on the easement map in case file F-21780 are re-served to the United States and subject to further regulation thereby:

a. (EIN 3 C1) A streamside easement, twenty-five (25) feet in width, along both banks of the Anaktuvuk River for

<sup>&</sup>lt;sup>2</sup>The relevant banking market for purposes of analyzing the anticompetitive effects of the proposed transaction is approximated by the Grand Rapids RMA.

public recreational use as it traverses regional selected land. This easement also includes the river bed.

b. (EIN 6 C4, L (6a and 6b)) Two (2) trails in the John River and Anaktuvuk River areas for use by the public to gain access to isolated parcels of public land. The use of these trails is to be controlled by applicable State or Federal law or regulation:

6a. An existing trail, twenty-five (25) feet in width, following the Hickel Highway route, which closely parallels the Anaktuvuk River as it traverses regional selected land.

6b. A proposed trail, fifty (50) feet in width, roughly paralleling the left bank of Kollutarak Creek as it traverses regional selected land. This trail begins near the confluence of the John River and Kollutuk Creek, and leads in a northwesterly direction to Chandler Lake, where it joins with trail 6e.

c. (EIN 19 C5 (19a, 19b, 19c, 19e)) A series of four (4) proposed spur trails that branch off of trail 6a, as they traverse regional selected lands, for use by the public to gain access to and from isolated parcels of public land. The use of these trails is to be controlled by applicable State or Federal law or regulation:

19a. A spur trail, twenty-five (25) feet in width, proceeding from the Anaktuvuk River area in protracted T. 13 S., R. 3 E., Umiat Meridian. The trail extends westerly up the right bank of Akmagolik Creek to public land in protracted T. 14 S., R. 1 E., Umiat Meridian.

19b. A spur trail, twenty-five (25) feet in width, that proceeds up the left bank of Akvalutak Creek to public land near Mount Stuver.

19c. A spur trail, twenty-five (25) feet in width, beginning at the village air-strip at Anaktuvuk Pass in protracted T. 15 S., R. 2 E., Umiat Meridian, leading in an easterly direction along the left bank of the Anaktuvuk River. This easement also includes two (2) proposed branch trails extending to public lands in protracted T, 16 S., R. 3 E., Umiat Meridian.

19e. A branch trail, twenty-five (25) feet in width, which begins at trail 6a in the John River drainage and proceeds to public lands in protracted T. 16 S., R. 1 W., Umiat Meridian.

d. (EIN 22 C5) A streamside easement, twenty-five (25) feet in width, along both banks of the John River, for public recreational use, as it traverses regional selected lands southwest of the airstrip at Anaktuvuk Pass. This easement also includes the river bed.

e. (EIN 23 C) The right of the United States to enter upon the lands herein granted for cadastral, geodetic or other survey purposes is reserved together with the right to do all things necessary in connection therewith.

f. (EIN 24 C) Easements for the transportation of energy, fuel and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. These

any related facilities necessary for the exercise of the right to transport energy, fuel and natural resources, including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining or terminating transportation systems. The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easements will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement; provided, however, that the United States may exercise the right of eminent domain if such consent is not given. Only those portions of these easements that are actually in use or that are expressly authorized on March 3, 1996 shall continue to be in force.

The grant of lands by the interim conveyance shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands.

2. Valid existing rights therein, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska State-hood Act (72 Stat. 339, 341)), contract, permit, right-of-way or easement, and the right of the lessee, contractee, permittee or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him.

3. The terms and conditions of the agreement dated August 6, 1976 between the Secretary of the Interior, Arctic Slope Regional Corporation and the eight Arctic Slope village corporations. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement casefile for Arctic Slope Regional Corporation, serialized F-21780. Any person wishing to examine this agreement may do so at the Bureal of Land Management, Alaska State Office, 555 Cordova Street,

Anchorage, Alaska 99501.

No water bodies in the area are determined to be navigable by reason of travel, trade or commerce.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published one in the Federal Register and once a week, for four (4) consecutive weeks, in the Tundra Times. Any party claiming a property interest in land affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 and with a copy served upon the Bureau of Land Management and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501; also:

1. Any party receiving actual notice of this decision shall have 30 days from the

easements also include the right to build receipt of actual notice to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign a receipt for actual notice, shall have until August 24, 1977 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived his rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of, and requirements for, filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

> ROBERT E. SORENSON, Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-21250 Filed 7-22-77;8:45 am]

#### IF-14829-A1

#### NUNAMIUT CORP. Alaska Native Claims Selection

On November 15, 1973, Nunamiut Corporation, the Native corporation for the village of Anaktuvuk Pass, filed selection application F-14829-A under the provisions of section 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611), for the surface estate of certain lands in the Anaktuvuk Pass area. The application was amended on December 11, 1974, to top file lands covered by certain Native allotment applications filed pursuant to the act of May 17, 1906 (34 Stat. 197).

The application, as amended, is properly filed and meets the requirements of the act and of the regulations issued pursuant to the act. The selected lands described below are unoccupied and do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, aggregating approximately 89,646 acres, is considered proper for acquisition by Nunamiut Corporation and is hereby approved for interim conveyance pursuant to section 14(a) of the act:

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

T. 13 S., R. 2 E., Secs. 1 to 8, inclusive; Sec. 9, A; Secs. 10 to 15, inclusive; Sec. 16, excluding Native allotment F-17893, Parcel A; Secs. 10 to 15, inclusive; Sec. 16, excluding Native allotment F-17893, Parcel A; Secs. 17 to 23, inclusive; Sec. 24, excluding Native allotment F-16437, Parcel A; Secs.

Native allotment F-16437, Parcel A; Secs. 25 to 36, inclusive.
T. 13 S., R. 3 E., Sec. 31.
T. 14 S., R. 2 E., Sec. 36.
T. 14 S., R. 3 E., Secs. 1 to 8, inclusive; Secs. 17 to 20, inclusive; Secs. 29, 30, and 31.
T. 14 S., R. 4 E., Sec. 6.
T. 15 S., R. 1 E., Secs. 35 and 36.
T. 15 S., R. 2 E., Secs. 1 to 7, inclusive; Sec. 8, excluding Tracts A and B of U.S. Survey 4480; Secs. 9 to 16, inclusive; Secs. 17 and

18, excluding Tract A of U.S. Survey 4480; Secs. 19 to 32, inclusive; Sec. 33, excluding Native allotment F-17893, Parcel B; Secs. 34, 35, and 26.

T. 15 S., R. 3 E., Secs. 31 and 32. T. 16 S., R. 1 W., Secs. 1 and 2; Secs. 7 to 30, inclusive; Secs. 33, 34, and 35. T. 16 S., R. 1 E.,

Secs. 1 to 7, inclusive; Sec. 8, excluding Native allotment F-16416; Secs, 9 and 10:

Secs. 16 to 19, inclusive;

Sec. 21. T. 16 S., R. 3 E., Secs. 4 and 5; Sec, 8;

Sec. 17.

The interim conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945)

2. A right-of-way thereon for the construction of railroads, telegraph and telephone lines, as prescribed and directed by the act of March 12, 1914 (38 Stat.

305; 43 U.S.C. 975(d)).
3. The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 702; 43 U.S.C. 1601, 1613).

4. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616), the following public easements referenced by easement identification number (EIN) on the easement map in case file F-14829-EE are reserved to the United States and subject to further regulation thereby:

a. (EIN 3 C1) A streamside easement, twenty-five (25) feet in width, along both banks of the Anaktuvuk River for public recreational use as it traverses village selected lands. This

easement also includes the river bed. b. (EIN 6 L, C4 (6a, 6b, 6c)) A series of trails in the John River and Anaktuvuk River areas for use by the public to gain access to isolated parcels of public land. The use of these trails is to be controlled by applicable State or Federal law or regulation.

6a. An existing trail, twenty-five (25) feet in width, as it traverses village selected lands, following the winter road known as the Hickel Highway closely paralleling the Anaktuvuk River and going on through Anaktuvuk Pass south through the John River drainage.

6b. A proposed trail, fifty (50) feet in width, roughly paralleling the left bank of Kollutarak Creek as it traverses village selected lands. The trail begins near the confluence of the John River and Kollutuk Creek and leads in a north-westerly direction to Chandler Lake where it joins trial 6e.

6c. A proposed trail, fifty (50) feet in width, as it traverses village selected lands, between the John River drainage and the Upper Chandler Lake area. The trail roughly follows Ekokpuk Creek along its left bank.

c. (EIN 19 C5 (19, 19b, 19c, 19d, 19f)) A series of proposed spur trails, as they traverse village selected lands, that branch off of trail 6a, and lead to isolated blocks of public land. The use of these trails is to be controlled by applicable State or Federal law or regulation.

19a. A spur trail, twenty-five (25) feet in width, which proceeds from the Anaktuvuk River area in protracted T. 13 S., R. 3 E., Umiat Meridian, and continues westerly up the right bank of Akmagolik Creek to public lands in protracted section 1, T. 14 S., R. 1 E., Umiat Meridian.

19b. A spur trail, twenty-five (25) feet in width which proceeds up the left bank of Akvalutak Creek to public lands near Mount Stuver.

19c. A spur trail, twenty-five (25) feet in width, that leaves the village airstrip at Anaktuvuk Pass in protracted T. 15 S., R. 2 E., Umiat Meridian, and travels eastward, proceeding up the left bank of the Anaktuvuk River, with two branches leading into public lands in protracted T. 16 S., R. 3 E., Umiat Meridian.

19d. A short branch trail, twenty-five (25) feet in width, that leaves trail 6a in the John River drainage and provides access to public lands in protracted

T. 16 S., R. 1 E., Umiat Meridian.
19f. A proposed trail, twenty-five (25) feet in width, branching off trail 6c, roughly paralleling the right bank of Masu Creek and then proceeding in a northeasterly direction to protracted section 4, T. 16 S., R. 1 W., Umiat

d. (EIN 22 C5) A streamside easement, twenty-five (25) feet in width, for public recreational use, along both banks of the John River extending from the north end of the airstrip at Anaktuvuk Pass southwesterly through the selection area. This easement also includes the river bed. The easement includes a proposed trail, twenty-five (25) feet in width, connecting the Anaktuvuk Pass village airstrip with the streamside easement. The use of the trail is to be controlled by applicable State or Federal law or regulation.

e. (EIN 23 C) The right of the United States to enter upon the lands herein granted for cadastral, geodetic, or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.

f. (EIN 24 C) Easements for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel, and natural resources including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining, or terminating transportation systems. The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easements will require removal or relocation of any structure owned or authorized by the owner of the

servient estate, such use shall not be initiated without the consent of the owner of such improvement; provided, however, that the United States may exercise the right of eminent domain if such consent is not given. Only those portions of these easements that are actually in use or that are expressly authorized on March 3, 1996, shall continue to be in force.

The grant of lands by the interim con-

veyance shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands.

2. Valid existing rights therein, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act (72 Stat. 339, 341)), contract, permit, right-of-way, or easement and right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him.

3. Requirements of section 14(c) of the Alaska Native Claims Settlement Act (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions of land hereinafter granted, as

are prescribed in said section.

4. The terms and conditions of the agreement dated August 6, 1976 between the Secretary of the Interior, Arctic Slope Regional Corporation, Nunamiut Corporation, and the seven other Arctic Slope village corporations. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement case file Nunamiut Corporation, serialized F-14829-EE. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

5. F-030468, airport lease located in protracted sections 17, 18, and 19, T. 15 S., R. 2 E., Umiat Meridian.

Interim conveyance of the remaining entitlement to Nunamiut Corporation will be made at a later date. Interim conveyance to the subsurface estate of the land described above will be issued to the Arctic Slope Regional Corporation pursuant to section 14(f) of the act, when conveyance is issued to Nunamiut Corporation for the surface estate.

No water bodies in the selected area are determined to be navigable by reason

of travel, trade, or commerce.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDRERAL REGISTER and once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner. Any party claiming a property interest in land affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, and with a copy served upon the Bureau of Land Management and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501; also:

1. Any party receiving actual notice of this decision shall have 30 days from the receipt of actual notice to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign a receipt for actual notice, shall have until August 24, 1977 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived his rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of, and requirements for, filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

ROBERT E. SORENSON, Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-21249 Filed 7-22-77;8:45 am]

#### **Geological Survey**

### COAL LAND CLASSIFICATION ORDER WYOMING NO. 153

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN

COAL LANDS

T. 18 N., R. 97 W., Sec. 4, lots 7 and 8, S½NW¼, W½SW¼; Secs. 5 and 6; Sec. 7, lots 1 and 2, NE1/4, E1/2 NW1/4 Sec. 8, NW¼NE¼, N½NW¼, SW¼NW¼. T. 19 N., R. 94 W., Sec. 6, lots 1 to 7, inclusive, S½NE½, SE¼ NW¼, E½SW¼, NW¼SE¼; Sec. 7, lots 2 to 4, inclusive, E½SW¼, W½ Sec. 19, lots 1 to 4, inclusive, NE¼, E½W½, W%SE%: Sec. 30, lot 1. T. 19 N., R. 95 W., Secs. 1 to 18, inclusive; Sec. 19, NE¼NE¼; Sec. 20, N½, NE¼SW¼, SE¼; Sec. 21: Sec. 22, N1/2, NW1/4SW1/4; Secs. 23 and 24; Sec. 25, N½NE¼, SW¼NE¼, N½NW¼, SE¼NW¼; Sec. 26, N%NE%. T. 19 N., R. 96 W., Secs. 1 to 20, inclusive; Sec. 21, W½E½, W½; Sec. 28, NW¼NE¼, NW¼, N½SW¼, SW¼ SW1/2: Secs. 29 and 30; Sec. 31, N½NE¼; Sec. 32, NW¼NE¼, N½NW¼. T. 19 N., R. 97 W., Secs. 1 to 24, inclusive; Sec. 25, N½N½;

Sec. 26, N¼NE¼, NE¼NW¼;
Sec. 28, W½;
Secs. 29 to 32, inclusive;
Sec. 33, W½.

T. 20 N., B. 92 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Sec. 30,
Secs. 10 to 20, inclusive;
Sec. 21, N½, N½SW¼, SW¼SW¼, SE¼;
Sec. 21, N½, N½SW¼, SW¼SW¼, SE¼;
Sec. 23, N½, N½SW¼, NW¼SE¼;
Sec. 24, N½, N½SW¼, NW¼SE¼;
Sec. 29, NW¼NE¼, N½NW¼;
Sec. 30, lot 1, N½NW¼, NE¼NW¼.

T. 20 N., R. 94 W.,
Secs. 1 to 24, inclusive;
Sec. 25, N½NE¼, SW¼NE¼, NW¼, NW¼
SW¼;
Sec. 26, N½, N½SW¼, SW¼NE¼, NW¼, NW¼
SW¼;
Sec. 26, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 27, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 28, N½, SW¼, NW¼SE¼;

T. 20 N., R. 96 W.

The area described aggregates 136.095 acres (55,078 ha), more or less, of which all are classified as coal land.

Dated: July 19, 1977.

Secs. 29 to 31, inclusive

Sec. 32, N¼, SW¼, NW¼SE¼. T. 20 N., R. 95 W.

> W. A. RADLINSKI, Acting Director.

[FR Doc.77-21288 Filed 7-22-77;8:45 am]

### COLOWYO COAL CO.

#### Proposed Approval of Mine Plan

In accordance with the requirements of 30 CFR 211.5(c) (2), notice is hereby given that Colowyo Coal Company, a subsidiary of W. R. Grace and Company and Hanna Mining Company, 1935 E. Prentice Avenue, Building 40, Englewood, Colorado 80110, has submitted a mining plan to mine coal by open pit mining methods on Federal coal lease Denver 034365. The open pit plan was initially submitted to the Area Mining Supervisor on July 13, 1974. A modified mine plan was submitted on April 30, 1975. On May 23, 1977, an updated mine plan to comply with 30 CFR 211.10 was filed with the Area Mining Supervisor.

The Colowyo open pit mine will affect all or parts of secs. 2, 3, 4, 9, and 10 of T. 3 N., R. 93 W., 6th P.M. The plan covers mining 90 million tons of coal at the rate of 3 million tons per year for 30 years.

The plan was included in the Northwest Colorado Coal Environmental Impact Statement which was filed with the President's Council on Environmental Quality (CEQ) on January 10, 1977.

The purpose of this notice is to in-

form the public that the Mining Supervisor proposes to approve the mining plan. Any person having an interest, which is or may be adversely affected by this action, may request a public meeting in writing. Requests should include the name and address of the requestor and should be submitted to the Area Mining Supervisor, Conservation Division, U.S. Geological Survey, P.O. Box 25046, Stop 602, Denver Federal Center, Denver, Colorado 80225. All requests should be made by August 15,

1977. No decision on the mining plan will be made prior to 20 days from the date of publication of this notice (August 15, 1977).

Public meetings were held in preparation of the NW Colorado EIS. The Department may, after reviewing the comments on the plan, determine that as permitted by 30 CFR 211.5(c) (4) no additional public meetings will be required.

Dated: July 18, 1977.

W. A. RADLINSKI,
Acting Director.

[FR Doc.77-21289 Filed 7-22-77;8:45 am]

#### DECKER COAL CO.

#### Proposed Approval of Mine Plans

In accordance with the requirements of 30 CFR 211.5(c) (2), notice is hereby given that Decker Coal Company, P.O. Box 746, Sheridan, Wyoming 82801, has submitted mining plans to mine coal by surface mining methods on the following Federal Coal Leases: Montana 061685, Montana 057934, Montana 057934-A, Montana 073093, and Montana 06770.

The mining plan for East Decker was initially received for review by the Area Mining Supervisor on April 25, 1975. The plan proposes opening a new operation east of the Tongue River Reservoir on secs. 12, 13, and 14, T. 9 S., R. 40 E., and secs. 7, 8, 17, and 18, T. 9 S., R. 41 E. The plan proposes a peak production of about 8 million tons per year from 1980 to 1997.

The mining plan for the North Extension was initially received for review by the Area Mining Supervisor on May 28, 1975. The mining plan proposes extending the operations of the present Decker Mine into secs. 33 and 34, T. 8 S., R. 40 E., and secs. 3, 4, 9, and 10, T 9 S., R. 40 E. Production from this area will be about 2.3 million tons per

The purpose of this notice is to inform the public that the Mining Supervisor proposes to approve the mining plans. An Environmental Impact Statement on the two mines was filed with the President's Council on Environmental quality on June 13, 1977. Under CEQ guidelines, the Mining Supervisor will not take approval action until at least 30 days after the EIS is submitted to the CEQ and after Secretarial review and concurrence. Any person having an interest, which is or may be adversely affected by this action, may request a public meeting in writing. Requests should include the name and address of the requestor and should be submitted to the Area Mining Supervisor, Conservation Division, U.S. Geological Survey, P.O. Box 2550, Billings, Montana 59103. All requests should be made by August 15, 1977. No decision on the mining plan will be made prior to 20 days from the date of publication of this notice (August 15, 1977)

The Department held public meetings on the mine plans November 16, 17, and 18, 1976. The Department may, after reviewing the comments on the plan, determine that as permitted by 30 CFR

Dated: July 18, 1977.

W. A. RADLINSKI, Acting Director.

[FR Doc.77-21285 Filed 7-22-77;8:45 ami]

#### ENERGY FUELS CORP.

#### **Proposed Approval of Mine Plan**

In accordance with the requirements of 30 CFR Part 211.5(c)(2), notice is hereby given that Energy Fuels Corporation, 3 Park Central, Suite 443, 1515 Arapahoe Street, Denver, Colorado 80202, has submitted a modification to its approved mining plan to mine coal by strip mining methods on Federal coal leases Colorado 081330, 0128433, and Denver 052547. The mining plan was initially approved on October 16, 1962, and the mine has continued operations since that date. A modification was submitted to the Area Mining Supervisor on February 17, 1977, to comply with the Coal Mining Operating Regulations 30 CFR 211. The Energy Mine of Energy Fuels Corporation is an ongoing strip mine in secs. 28, 29, 31, 32, and 33, T. 5 N., R. 86 W., and secs. 8, 17 and 18, T. 4 N., R. 86 W., 6th P.M. The modification proposes expansion of the current operations and extending the mine into secs. 20 and 21, T. 5 N., R. 86 W. The plan covers mining of 2.3 million tons of coal per year from Federal leases through the year 1984.

The plan was included in the Northwest Colorado Coal Environmental Impact Statement which was filed with the President's Council on Environmental Quality (CEQ) on January 10, 1977.

The purpose of this notice is to in-

form the public that the Mining Supervisor proposes to approve the mining plan. Any person having an interest, which is or may be adversely affected by this action, may request a public meeting in writing. Requests should include the name and address of the requestor and should be submitted to the Area Mining Supervisor, Conservation Division, U.S. Geological Survey, P.O. Box 25046, Stop 602, Denver Federal Center, Denver, Colorado 80225. All requests should be made by August 15, 1977. No decision on the mining plan will be made prior to 20 days from the date of publication of this notice (August 15, 1977)

Public meetings were held in preparation of the NW Colorado EIS. The Department may, after reviewing the comments on the plan, determine that as permitted by 30 CFR 211.5(c) (4) no additional public meetings will be required.

Dated: July 18, 1977. W. A. RADLINSKI, Acting Director.

[FR Doc.77-21284 Filed 7-22-77;8:45 am]

#### PEABODY COAL CO. **Proposed Approval of Mine Plan**

In accordance with the requirements of 30 CFR Part 211.5(c) (2), notice is

211.5(c) (4) no additional public meethereby given that Peabody Coal Comings will be required. hereby given that Peabody Coal Company, 301 North Memorial Drive, St. Louis, Missouri 63102, has submitted a plan to mine by strip mining methods coal from Federal coal leases Colorado 081251 and 081258. The mining plan was initially received for review by the Area Mining Supervisor on March 20, 1974. On May 13, 1977, the company submitted an updated mine plan to comply with the Coal Mining Operating Regulations, 30 CFR 211.

The Seneca 2-W Mine is proposed as an expansion of Peabody Coal Company's current Seneca operations. The area to be mined includes parts of secs. 14, 15, 22, 23, 26, 34, and 35 in T. 5 N., R. 88 W. 6th P.M. The mine plan is designed for the production of 900,000 tons of coal per year for the time period 1980 through 1995.

The plan was included in the Northwest Colorado Coal Environmental Impact Statement which was filed with the President's Council on Environmental Quality (CEQ) on January 10, 1977.

The purpose of this notice is to inform the public that the Mining Supervisor proposes to approve the mining plan. Any person having an interest, which is or may be adversely affected by this action, may request a public meeting in writing. Requests should include the name and address of the requestor and should be submitted to the Area Mining Supervisor, Conservation Division, U.S. Geological Survey, P.O. Box 25046, Stop 602, Denver Federal Center, Denver, Colorado 80225. All requests should be made by August 15, 1977. No decision on the mining plan will be made prior to 20 days from the date of publication of this notice (August 15, 1977). Public meetings were held in prepara-

tion of the NW Colorado EIS. The Department may, after reviewing the comments on the plan, determine that as permitted by 30 CFR 211.5(c) (4) no additional public meetings will be reauired.

Dated: July 18, 1977.

W. A. RADLINSKI, Acting Director.

[FR Doc.77-21287 Filed 7-22-77;8:45 am]

#### **National Park Service**

### ADVISORY BOARD ON NATIONAL PARKS, HISTORIC SITES, BUILDINGS AND MONUMENTS; OVERSIGHT COMMITTEE

#### Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Oversight Committee of the Advisory Board on Na-tional Parks, Historic Sites, Buildings and Monuments will be held on Thurs-day, August 11, 1977, commencing at 10:30 a.m. in Room 3119 at the Department of the Interior, 18th and C Streets NW., Washington, D.C.

The purpose of the Advisory Board is to advise the Secretary of the Interior on matters relating to the National Park System and the administration of the Historic Sites Act of 1935.

The purpose of the meeting of the Oversight Committee is to consider items to be recommended to the Director of the National Park Service for inclusion on the agenda of the regular business meeting of the Advisory Board to be held on September 30 and October 1 at LBJ State Park, Tex. The Committee also will review the status of legislative proposals concerning the National Park System.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited and persons will be accommodated on a first-come, first-served basis, Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting, may contact Robert M. Landau, Assistant for Advisory Boards and Commissions, National Park Service, Washington, D.C., at 202-343-2012.

Minutes of the meeting will be available for public inspection 8 to 10 weeks after the meeting in Room 3013, Interior Building, Washington, D.C.

Dated: July 18, 1977.

ROBERT M. LANDAU, Assistant for Advisory Boards and Commissions, National Park Service.

[FR Doc.77-21345 Filed 7-22-77;8:45 am]

#### [Int Des 77-20]

#### BUFFALO NATIONAL RIVER, ARK.

Proposed Wilderness Recommendation; Availability Statement of Draft Environmental

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for proposed wilderness recom-mendations for Buffalo National River, Ark., and invites written comments within forty-five (45) days of this notice. Written comments should be addressed to the Superintendent, Buffalo National River, at the address given below.

The draft environmental statement considers the wilderness designation of 10,529 acres of Federal land and the potential wilderness addition of 25,471 acres of non-Federal lands or lands which have non-Federal interests therein for a total of 36,000 acres in three separate units within the authorized boundary of the Buffalo National River.

Copies are available from or for inspection at the following locations:

Southwest Regional Office, National Park Service, Old Santa Fe Trail, P.O. Box 728, Santa Fe, N. Mex. 87501.

Superintendent, Buffalo National River, P.O.

Box 1173, Harrison, Ark. 72601. Superintendent, Hot Springs National Park, P.O. Box 1860, Hot Springs, Ark. 71901.

Dated: June 29, 1977.

LARRY E. MEIEROTTO, Deputy Assistant Secretary of the Interior.

[FR Doc.77-21338 Filed 7-22-77;8:45 am]

### CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

#### Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, August 19, 1977, at 1:30 p.m., at the Headquarters Building, Cape Cod National Seashore, Marconi Station Area, South Wellfleet, Mass.

The Commission was established pursuant to Pub. L. 91-383 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod

National Seashore.

The Commission will consider the following matters: (1) Proposed integrated trail system; (2) in-lieu-of-tax payments to towns; and (3) study of concessions operation. The Superintendent will report on a variety of matters relating to Seashore programs and operations.

The meeting is open to the public. It is expected that 15 persons will be able to attend the session in addition to Commission members. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from Lawrence C. Hadley, Superintendent, Cape Cod National Seashore, South Wellfleet, Mass. 02663; telephone 617–349–3785. Minutes of the meeting will be available for public information and copying four weeks after the meeting at the office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Mass.

Dated: July 13, 1977.

JACK E. STARK, Regional Director, North Atlantic Region.

[FR Doc.77-21346 Filed 7-22-77;8:45 am]

#### CAPE HATTERAS FISHING PIER, INC.

**Intention to Negotiate Concession Contract** 

Pursuant to the provision of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on August 24, 1977, the Department of the Interior, through the Director, National Park Service, proposes to negotiate a concession contract with Cape Hatteras Fishing Pier, Inc., authorizing it to continue to provide concession facilities and services for the public within Cape Hatteras National Seashore, for a period of five (5) years from January 1, 1978, through December 31, 1982.

An analysis of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of

1969. The environmental analysis may be reviewed in the Southeast Regional Office, National Park Service, 1895 to meet the terms of responsive offers Phoenix Blvd., Atlanta, Ga. 30349.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1977, and, therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants Cape Hatteras Fishing Pier, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive offers for the proposed new contract and preference in the award of the new contract, if the offer of Cape Hatteras Fishing Pier, Inc., is substantially equal to others received. The Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before August 24, 1977.

Interested parties should contact the Assistant Director, Special Services, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: June 30, 1977.

WILLIAM J. WHALEN, Director, National Park Service. [FR Doc.77-21344 Filed 7-22-77;8:45 nm]

## CHICAMACOMICO ENTERPRISES, INC. Intention to Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on August 24, 1977, the Department of the Interior, through the Director, National Park Service, proposes to negotiate a concession contract with Chicamacomico Enterprises, Inc., authorizing it to continue to provide concession facilities and services for the public within Cape Hatteras National Seashore for a period of five (5) years from January 1, 1978, through December 31, 1982.

An analysis of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental analysis may be reviewed in the Southeast Regional Office, National Park Service, 1895 Phoenix Boulevard, Atlanta, Ga. 30349.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1977, and, therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants Chica-

macomico Enterprises, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive offers for the proposed new contract and preference in the award of the new contract, if the offer of Chicamacomico Enterprises, Inc., is substantially equal to others. The Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before August 24, 1977.

Interested parties should contact the Assistant Director, Special Services, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: July 1, 1977.

WILLIAM J. WHALEN, Director, National Park Service. [FR Doc.77-21343 Filed 7-22-77;8:45 am]

#### CUYAHOGA VALLEY NATIONAL RECREA-TION AREA ADVISORY COMMISSION

#### Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Cuyahoga Valley National Recreation Area Advisory Commission will be held at 7:30 p.m. (e.d.t.), August 25, 1977, at the Brecksville City Hall Community Room, 9069 Brecksville Road, Brecksville, Ohio.

The Commission was established by Pub. L. 93-555 to meet and consult with the Secretary of the Interior on matters relating to the development of the Cuyahoga Valley National Recreation Area and with respect to carrying out the provisions of the Public Law.

The members of the Commission are as follows:

Mrs. Robert F. Warren (Chairman)
Mr. Courtney Burton
Mr. Norman A. Godwin
Mr. Norman A. Godwin
Mr. Donald W. Haskett
Mr. Robert L. Hunker
Mr. James S. Jackson
Mr. Melvin J. Rebholz
Mrs. Roger Rossi
Mrs. George N. Seltzer
Ms. Robbie Stillman
Mr. Barry K. Sudgen
Mr. Robert W. Teater
Mr. William O. Walker

This meeting will be devoted to a discussion of public and quasipublic lands within the authorized boundaries of Cuyahoga Valley National Recreation Area. Reports on the status of land acquisition and operations will also be presented.

The meeting will be open to the public. It is expected that about 100 persons in addition to members of the Commission will be able to attend this meeting. Interested persons may submit written statements. Such statements should be submitted to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from William C. Birdsell, Superintendent, Cuyahoga Valley National Recreation Area, P.O.

Box 158, Peninsula, Ohio 44264, telephone: 216-653-9036. Minutes of the meeting will be available for public inspection three weeks after the meeting at the office of Cuyahoga Valley National Recreation Area, located at 501 West Streetsboro Road (State Route 303), two miles east of Peninsula, Ohio.

Dated July 18, 1977.

MERRILL D. BEAL, Regional Director, Midwest Region.

[FR Doc.77-21350 Filed 7-22-77;8:45 am]

#### GENERAL MANAGEMENT PLAN; GREAT SMOKY MOUNTAINS NATIONAL PARK, N.C. AND TENN.

### Availability of Environmental Review on Environmental Assessment

In January 1977, the National Park Service completed and placed on public review an Environmental Assessment on the General Management Plan for Great Smoky Mountains National Park. Public meetings were held in the vicinity of the park in February 1977.

After making an Environmenati Review of the alternatives presented in the assessment and after public comment thereon, the National Park Service determined that this proposal would have a significant effect on the human environment; therefore, an Environmental Impact Statement will be prepared and will be available for public review in the spring of 1978.

Anyone needing additional information or wishing to provide information for consideration during preparation of the statement, please advise the Superintendent, Great Smoky Mountains National Park, Gatlinburg, Tenn. 37738, telephone: 615-436-5615, or the Regional Director, Southeast Regional Office, National Park Service, 1895 Phoenix Boulevard, Atlanta, G. 30349, telephone: 404-996-2520. Copies of the Environmental Review may be obtained from the above locations.

Dated June 21, 1977.

DAVID D. THOMPSON, Jr., Regional Director, Southeast Region.

[FR Doc.77-21342 Filed 7-22-77;8:45 am]

#### MID-ATLANTIC REGIONAL ADVISORY COMMITTEE

#### Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Mid-Atlantic Regional Advisory Committee will be held at 8:30 a.m., e.d.t., on August 23, 24, 1977, at the office of the Regional Director, Mid-Atlantic Region, at 143 South Third Street, Philadelphia, Pa.

The Committee was established pursuant to Pub. L. 91-383 to provide for the free exhange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs pertinent to the MidAtlantic Region of the National Park

The members of the Committee are as follows:

Mr. Hyman J. Cohen Mrs. Beverly B. Fluty Mrs. Otto F. Haas Dr. M. Graham Netting Mr. Meade Palmer Mrs. A. St. Clair Wright

The matters to be discussed at this meeting include:

The Land Heritage Program in the Region Urban Impact on Parks Chatham House at Fredericksburg National Historic Landmark Inspections

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accom-modated on a first-come, first-served basis. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact George A. Palmer, Special Assistant to the Regional Director, Mid-Atlantic Regional Office at 215-597-7015. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Mid-Atlantic Region, 143 South Third Street, Philadelphia, Pa. 19106.

Dated: July 12, 1977.

BENJAMIN J. ZERBEY. Acting Regional Director, Mid-Atlantic Region, National Park Service.

[FR Doc.77-21348 Filed 7-22-77;8:45 am]

# MINING PLAN OF OPERATION AT GLEN CANYON NATIONAL RECREATION AREA

#### Availability

Notice is hereby given that pursuant to the provisions of section 2 of the act of September 28, 1976, 16 U.S.C. 1901 et seq., and in accordance with the provisions of Section 9.17 of 36 CFR Part 9, Century XXI Mining, Inc., has filed a plan of operations in support of proposed mining activities on lands embraced by mining claim locations within the Glen Canyon National Recreation Area. This plan is available for public inspection during normal business hours at the Glen Canyon National Recreation Area Headquarters, 337 North Navajo Drive, Page,

Dated: May 31, 1977.

TEMPLE A. REYNOLDS, Superintendent, Glen Canyon National Recreation Area.

[FR Doc.77-21349 Filed 7-22-77;8:45 am]

#### PEST CONTROL PROGRAM

**Availability of Environmental Assessment** 

Pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4332), the National Park Service has prepared an environmental assessment on its Pest Control Program. The assessment addresses itself to all aspects of pest control activities that are currently carried out. Special attention is given to the role of pesticides and other chemicals and their relative impacts on the environment. Also discussed are the mechanical and biological methods that are used in the pest control program.

The environmental assessment examines the effects of alternative courses of action including those of taking no action. The assessment also includes and analyzes the impacts of proposed guide-lines for operation of the Service's pest

control program in the future.

The environmental assessment is on file and will be available upon request for inspection at the following National Park Service offices:

North Atlantic Regional Office, 150 Causeway

St., Boston, Mass. 02114.

Mid-Atlantic Regional Office, 143 S. Third St., Philadelphia, Pa. 19106.

National Capital Regional Office, 1100 Ohio Dr. Sw., Washington, D.C. 20242.

Southeast Regional Office, 1895 Phoenix Blyd.,

Southeast Regional Office, 1895 Phoenix Blvd.,
Atlanta, Ga. 30349.
Midwest Regional Office, 1709 Jackson St.,
Omaha, Nebr. 68102.
Rocky Mountain Regional Office, 655 Parfet
St., P.O. Box 25287, Denver, Colo. 80226.
Southwest Regional Office, P.O. Box 728, Old
Santa Fe Trail, Santa Fe, N. Mex. 87501.
Pacific Northwest Regional Office, 523 Fourth
and Pike Building. Seattle, Wash. 98101.

and Pike Building, Scattle, Wash. 98101. Western Regional Office, 450 Golden Gate Ave., Box 36063, San Francisco, Calif. 94102.

Copies of the assessment are available and can be obtained from the Chief, Natural Resources Management Division, National Park Service, 18th and C Streets NW., Washington, D.C. 20240. Comments will be accepted until September 5, 1977.

Dated: July 14, 1977.

WILLIAM J. WHALEN, Director, National Park Service. [FR Doc.77-21341 Filed 7-22-77;8:45 am]

# SOUTHEAST REGIONAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a combined meeting and field trip of the Southeast Regional Advisory Committee will be held on September 1, 1977, at 9 a.m. at the headquarters of Vicksburg National Military Park, Vicksburg, Mississippi, and on September 2 at 9 a.m. at the Ramada Inn, 130 John R. Junkin Drive, Natchez, Miss.
The purpose of the Southeast Regional

Advisory Committee is to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the Southeast Region of the National Park Service.

The members of the Advisory Committee are as follows:

Dr. John M. King (Chairman), Jackson, Miss. Mr. Robert Gable (Secretary), Frankfort, Ky. Mrs. Ann Smith Bedsole, Mobile Ala. Mr. Tutt S. Bradford, Maryville, Tenn. Dr. Arthur W. Cooper, Raleigh, N.C. Dr. Michael V. Gannon, Gainesville, Fla. Mr. Charles Edward Lee, Columbia, S.C. Mrs. Jane Hurt Yarn, Atlanta, Ga.

The matters to be discussed at the meetings include:

- 1. Restoration and exhibition of the Gunboat Cairo.
- 2. Preservation alternatives for Fort Jefferson.
- 3. Natchez-Trace Parkway operations and construction.

After meeting at Park Headquarters on September 1, the committee will tour the park and view the Gunboat Cairo, then travel to Natchez, Miss. After meeting at the Ramada the morning of September 2. the committee will view the Natchez Terminus area in the afternoon.

The meetings will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 25 persons will be able to attend. Space will not be available for members of the public on the committee tours. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact Paul C. Swartz, Chief, Cooperative Services Division, Southeast Regional Office, at 404-996-2520, extension 253. Minutes of the meeting will be available for public inspection at the Southeast Regional Office, 1895 Phoenix Boulevard, Atlanta, Ga. 30349, approximately four weeks after the meeting.

Dated: July 13, 1977.

DAVID D. THOMPSON, Jr. Regional Director Southeast Region.

[FR Doc.77-21347 Filed 7-22-77;8:45 am]

### Office of the Secretary

#### FOSSIL-FUELED STEAM ELECTRIC **GENERATING STATIONS**

Guidelines for Preparation of Environmental Reports; Availability of Final Report

Notice is hereby given that United Engineers and Constructors, Inc., of Philadelphia, Pennsylvania, has recently completed a final report on Guidelines for the Preparation of Environmental Reports for Fossil-Fueled Steam Electric Generating Stations. The report applies only to the actual site and facilities of the generating station itself. It was prepared under contract to the Department of the Interior, Office of Water Research and Technology with technical advice from the Office of Environmental Project Review, under Contract Number 14-31-0001-5238.

The Department is considering the promulgation of Departmental guidelines, based upon the above final report: in order to provide utilities with advance notice of the Department's needs for

environmental information to be filed Management Assistant, Wilson's Creek Na with an application associated with a fossil-fueled powerplant.

Copies of the final report may be examined at the following locations:

Office of Environmental Project Review. Room 4256, Interior Building, Washington, D.C. 20240.

William P. Patterson, Regional Environmental Officer, Department of the Interior, c/o
Geological Survey, Room 1394, 159 Causeway Street, Boston, Massachusetts 02114.
James H. Lee, Regional Environmental Officer, Department of the Interior, Suite 410,

148 International Boulevard NE., Atlanta Georgia 30303.

David L. Jervis, Regional Environmenal Officer, Department of the Interior, Suite 217, 2510 Dempster Street, Des Plaines, IIlinois 60016.

Raymond P. Churan, Regional Environmental Officer, Department of the Interior, Post Office Box 2088, Suite 800, 5301 Central Avenue, N.E., Albuquerque, New Mexico 87103.

John E. Raybourn, Regional Environmental Officer, Department of the Interior, Room 690, Building 67, Denver Federal Center, Denver, Colorado 80225.

Charles S. Polityka, Regional Environmental Officer, Department of the Interior, Post Office Box 3737, 1500 N.E. Irring Street, Porftland, Oregon 97208.

Paul D. Gates, Regional Environmental Om-cer, Department of the Interior, Post Office Box 120, Room 233, 1675 C Street, Anchorage, Alaska 99510.

Copies of the final report may also be purchased through NTIS, Order Number PB266071 for \$6.75 per copy.

All comments received within 60 days by the Director, Office of Environmental Project Review, Room 4256, main Interior Building, Washington, D.C. 20240, will be considered.

Dated: July 18, 1977.

LARRY E. MEIEROTTO. Deputy Assistant Secretary of the Interior.

[FR Doc.77-21251 Filed 7-22-77;8:45 am]

#### [INT FES 77-24]

# WILSON'S CREEK NATIONAL BATTLEFIELD, MISSOURI

Master Plan; Availability of Final **Environmental Statement** 

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the master plan, Wilson's Creek National Battlefield.

The environmental statement considers the probable effects of implementation of the plan upon the natural, socioeconomic and cultural components of the environment of the Battlefield, lo-cated in Greene and Christian Counties, Missouri.

Copies of the final environmental statement are available from or for inspection at the following locations:

Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebr. 68102.

Superintendent, George Washington Carver National Monument, P.O. Box 38, Dia-mond, Mo. 64840.

tional Battlefield, Rural Route 2, Box 75, Republic, Mo. 65738.

Dated: July 7, 1977.

LARRY E. MEIEROTTO, Deputy Assistant Secretary of the Interior.

IFR Doc.77-21337 Filed 7-22-77:8:45 am1

#### INTERNATIONAL TRADE COMMISSION

[337-TA-31]

#### STEEL TOY VEHICLES

#### Amendment of Notice of Investigation

A complaint was filed with the United States International Trade Commission on March 11, 1977, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and the complaint was amended on March 24, 1977, on behalf of Tonka Corporation, 10505 Wayzata Boulevard, Hopkins, Minn. 55343, alleging that unfair methods of competition and unfair acts exist in the importation of certain steel toy vehicles into the United States, or in their sale, by reason of the alleged coverage of such steel toy vehicles by all claims of U.S. Letters Patent Nos. 3,462,879 and 3,730,594, and by reason of their simulation of the size, appearance, and design of certain domestically manufactured products of said Tonka Corporation in such a way as to pass off such steel toy vehicles as products of said Tonka Corporation. The com-plaint further alleged that the effect or tendency of the unfair methods of competition and unfair acts was to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Based on the March 24. 1977, amended complaint, a Notice of Investigation was printed in the Federal Recister on April 15, 1977 (42 FR 19333).

A motion to amend its complaint (motion docket number 31-1) was filed on behalf of the complainant on May 27, 1977. Complainant moved to amend its complaint by additionally alleging in-fringement of U.S. Design Patent No. 225,251 for a toy vehicle cab design, and by amending paragraph 7 of the original complaint to delete reference to certain wheeled vehicles inadvertently listed as utilizing the tire construction of U.S. Patent No. 3,730,594. The Commission received an Order Certifying Complainant's Motion to Amend the Complaint from the presiding officer on June 9, 1977. Said Order recommended that complain-

ant's motion be granted.

Having considered the motion, the response to said motion, and the presiding officer's recommendation, the United States International Trade Commission on June 23, 1977, voted to grant the com-plainment's motion thereby allowing the addition of allegations of infringement of U.S. Design Patent No. 225,251 for a toy vehicle cab design, and the amendment of paragraph 7 of the original complaint to delete reference to certain wheeled vehicles inadvertently listed as utilizing the tire construction of U.S. Patent No. 3,730,594. Therefore, it is hereby ordered:

That the Notice of Investigation issued in connection with investigation No. 337-TA-31 is amended to reflect the amendments of the complaint as granted on June 23, 1977.

The Order Certifying Complainant's Motion to Amend the Complaint is available for inspection by interested persons at the Office of the Secretary, located in the United States International Trade Commission Building, Washington, D.C. 20436, and in the New York City Office of the Commission, located at 6 World Trade Center.

Issued: July 20, 1977.

By order of the Commission.

KENNETH R. MASON. Secretary.

[FR Doc.77-21365 Filed 7-22-77;8:45 am]

#### DEPARTMENT OF JUSTICE

**Antitrust Division** 

PROPOSED CONSENT JUDGMENT IN UNITED STATES v. PARKER-HANNIFIN CORPORATION AND COMPETITIVE IMPACT STATEMENT THEREON

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that a proposed Final Judgment and a Competitive Impact Statement as set out below have been filed with the United States District Court for the Northern District of Ohio, Eastern Division, in Civil Action No. C 72-493, United States of America v. Parker-Hannifin Corporation. The Complaint in this case alleges that the merger of Parker-Hannifin Corporation (Parker) and Ideal Corporation (Ideal) violated Section 7 of the Clayton Act. The Complaint alleges that the effect of the merger of Parker and Ideal may be to substantially lessen competition in both the tire hardware and the wormdrive hose clamp markets.

The proposed Judgment requires Parker to divest itself of the Acme Air Appliance Co., Inc., a wholly-owned subsidiary of Ideal which manufactures and sells tire hardware. In the event Parker does not complete the divestiture within two (2) years from the entry of the proposed Judgment, then, upon application of the United States, the Court will appoint a trustee to accomplish the divestiture. Regardless of whether the United States applies for such appointment, the United States retains the right to request other remedies from the Court, such as a finding of contempt of Court for failure to divest within the two (2) year period. Parker and Ideal would also be prohibited, for a two (2) year period after entry of the proposed Judgment, from offering to combine certain Parker and Ideal products with worm-drive hose clamps manufactured by Ideal with the result that a customer may obtain pooled quantity discounts or meet minimum freight requirements. In addition, Parker and Ideal would be enjoined for ten (10) years from directly or indirectly acquiring entities engaged in whole or in part in the manufacture of stated tire hardware products or worm-drive hose clamps.

Public comment is invited on or before September 19, 1977. Such comments and the responses thereto will be published in the Federal Register and filed with the Court. Comments should be directed to John A. Weedon, Chief, Great Lakes Field Office, Department of Justice, Antitrust Division, 995 Celebrezze Federal Building, Cleveland, Ohio 44199.

Dated: July 15, 1977.

JOHN H. SHENEFIELD, Acting Assistant Attorney General, Antitrust Division.

United States District Court for the Northern District of Ohio, Eastern DIVISION

United States of America, plaintiff, Parker-Hannifin Corporation, defenda defendant. (Civil No. C 72–493; Judge John M. Manos; filed: July 15, 1977.)

#### STIPULATION

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A final judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to either party or other proceedings, pro-vided that Plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on Defendant and by filing that notice with the Court.

2. In the event Plaintiff withdraws its con-sent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect what-ever and the making of this stipulation shall be without prejudice to plaintiff and defendant in this and any other proceeding.

For the plaintiff: United States of America. John H. Shenefield, Acting Assistant Attorney General; William E. Swope, Charles F. B. McAleer, John A. Weedon, Kenneth L. Jost, Gerald H. Rubin, Joan Farragher, Saundra B. Wallack, William J. Oberdick, Attorneys, Department of Justice, Antitrust Division, 995 Celebrezze Federal Building, Cleveland, Ohio 44199. Telephone 216-522-

United States Attorney.

For the defendant: Parker-Hannisin Corporation, Thompson, Hine and Flory. By: John F. McClatchey, National City Bank Building, Cleveland, Ohio 44114. Dated: July 15, 1977.

United States District Court for the Northern District of Ohio, Eastern DIVISION

United States of America, plaintiff, v. Parker-Hannifin Corporation, Defendants. (Civil No. C 72-493; Judge John M. Manos, filed: July 15, 1977.)

#### FINAL JUDGMENT

Plaintiff. United States of America, having filed its Complaint herein on May 15, 1972, and Defendant, Parker-Hannifin Corporation, having appeared by its attorney and filed its Answer denying the substantive allegations of the Complaint; and the Plaintiff and Defendant, by their respective attorneys, having consented to the entry of this Final Judg-ment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting evidence or an admission by any party with respect to any such issue;

Now, therefore, before the taking of any testimony and upon the consent of the parties hereto, it is hereby,

Ordered, adjudged and decreed:

This Court has jurisdiction of the subject matter herein and of the parties hereto. The Complaint states a claim upon which relief may be granted against the Defendant under Section 7 of the Clayton Act, 15 U.S.C. § 18.

As used in this Final Judgment:

(A) "Person" means any individual, corporation, partnership, firm, association or other business or legal entity;
(B) "Defendant" means Parker-Hamifin Corporation and all its subsidiaries and divi-

sions, including Ideal Corporation;
(C) "Parker" means Parker-Hannifin Corporation and all tis subsidiaries and divisions, other than Ideal Corporation, but including persons acquired by Dofendant after the entry of this Final Judgment;
(D) "Ideal" means Ideal Corporation, a wholly-owned subsidiary of Parker, as it

existed on May 15, 1972; (E) "Acme" means Acme Air Appliance Co.,

(E) "Acme" means Acme Air Appliance Co., Inc. a subsidiary of Ideal;
(F) "Tire valve" means snap-in type or clamp-in type tubeless valves for use with pneumatic tires or type type valves for attachment to tire tubes;
(G) "Tire hardware" means tire valves, tire valve extensions, tire valve core housings, tire valve extensions, tire valve core housings, tire valve cores, air pressure gauges, air line gauge assemblies, air line gauges, tire pressure gauges, service gauges, air chucks, blow guns, automatic quick change couplers and nipples, and tire valve service and repair and nipples, and tire valve service and repair

(H) "Worm-drive hose clamp" means a device consisting of a serrated steel band with a threaded worm-drive screw which fits into an attached housing and which can be

turned in the ban's serration;
(I) "Pooled quantity discounts" means any reduction in purchase price due to the quantity of products purchased from De-

fendant;
(J) "Minimum freight requirements" means the price or poundage which a purchaser must exceed for Defendant to pay freight costs or any part thereof.

TTT

The provisions of this Final Judgment shall apply to Defendant, to its subsidiaries, divisions, and affiliates, to the officers, directors, agents, employees, successors and assigns of each, and to all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

(A) Within two years of the date of entry of this Final Judgment, Defendant shall divest all of its interest, direct and indirect, in Acme, which shall be an ongoing entity competing in the automotive aftermarket and capable of continuing so to compete as of the date of the divestiture. Pending divestiture of Acme, Defendant shall not dispose of any asset of Acme other than in the ordinary course of business, and shall not for its own benefit encumber any asset of Acme.

(B) If two years after the date of entry of this Final Judgment, Defendant has not divested itself of Acme as provided in Paragraph (A) of this Section, then, in addition to any other remedy the Plaintiff may seek

from the Court, the Court, upon applicafrom the Court, the Court, upon applica-tion of Plaintiff and notice to the De-fendant, shall appoint a Trustee. For a period of 18 months from his appointment, the Trustee shall have full authority to dispose of Acme, subject to the supervision of this Court. Defendant shall continue to manage Acme subject to Plaintiff's right to seek from the Court an order giving the Trustee managerial authority. Defendant, upon the expiration of 18 months from the appointment of the Trustee, and in the appointment of the Trustee, and in the event he has not disposed of Acme, shall, upon application of Plaintiff, immediately onvey to the Trustee all of its interest in Acme. The Trustee shall thereafter have full authority to manage and dispose of Acme, subject to the supervision of this Court. The Trustee shall, as expeditiously as possible after his appointment, subject to the supervision of this Court after hearing the parties on any issue presented, dispose of Acme as an ongoing entity competing in the automotive aftermarket and capable of continuing so to compete. The fees and expenses of the Trustee shall be submitted to this Court for approval and payment by Defendant.

(c) The details of any proposed divestiture under Paragraph (A) of this Section shall be submitted to the Plaintiff. Following the receipt of such details and any additional information that it may request, additional information that it may request, Plaintiff shall have thirty (30) days in which to object to the proposed divestiture. If Plaintiff does not object, the proposed divestiture may be consummated; if Plaintiff objects, the proposed divestiture shall not be consummated until Defendant obtains an order of this Court approving the proposed divestiture or Plaintiff withdraws its objection.

Defendant shall, until the divestiture required by Section IV of this Final Judgment is completed:

- (1) Maintain Acme in its present status as a separate and viable company; (2) Make no changes in any of Defend-
- ant's recordkeeping which may hinder the divestiture of Acme;
- (3) Maintain the existing production and and distribution facilities of Acme except for changes in the ordinary course of
- business;

  (4) Maintain a sales organization for Acme
  that is separate from that of Parker;
- (5) Maintain sufficient and adequate personnel at Acme separate and distinct from Defendant's other personnel and capable of managing Acme effectively after divestiture by Defendant:
- (6) Preserve all existing competition between Acme and other subsidiaries of Defendant;
- (7) Direct Acme to continue to publicize, sell, and advertise distinctly the name of Acme in connection with products made or distributed by Acme and not indicate Acme's affiliation with it to the detriment of third parties competing with Defendant, except that Acme will be known to be a subsidiary except of Ideal or Parker;
- (8) Deny its TPH Division and Acme access to the trade secrets, customer lists, supplier lists and prices of the other.

(A) Defendant shall keep written memoranda of all inquiries it receives, whether written, oral, telephonic, or otherwise, from persons seeking information regarding the business to be divested pursuant to Section IV. The memoranda shall include the name, business address, and business telephone number of each person seeking information, and shall indicate the nature of the inquiry.

Defendant's response to the inquiry, the date of the inquiry, and the date of Defendant's

(B) Beginning on the 90th day after entry of this Final Judgment, and on every 90th day thereafter until the divestiture ordered by Section IV has been completed, Defend-ant shall furnish a written report to Plaintiff which shall include:

(1) A list of all persons who contacted Defendant during the reporting period seeking information about the business to be divested pursuant to Section IV, plus copies of the memoranda required by Paragraph (A) of this Section;

(A) of this section;

(2) A description of steps taken during the reporting period to accomplish divestiture and of the status of all ongoing negotiations for the diverstiture of Acme, unless a trustee has been appointed pursuant to Section IV (B).

For two years from the date of entry of this Final Judgment, Defendant shall not offer to combine products manufactured by Defendcombine products manufactured by Belendant (other than (a) products manufactured by Ideal and (b) products internally developed by Ideal), with worm-drive hose clamps manufactured by Ideal, with the result that a customer may obtain pooled quantity discounts or meet minimum freight requirements ments.

#### VIII

For a period of ten years from the date of entry of this Final Judgment, Defendant shall not directly or indirectly acquire any person engaged in whole or in part in the manufacture of any product named in Section II(G) or II(H) of this Final Judgment.

(A) For the purpose of determining or securing compliance with this Final Judgment, and for no other purpose, any duly authorized representative of the Department of Justice shall be permitted, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to the Defendant made to its principal office, subject to any legally recognized privilege:

(1) Access during Defendant's office hours to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of Defendant relating to any of the matters contained in this

Final Judgment; and
(2) Subject to the reasonable convenience of Defendant and without restraint or interference from it, to interview officers, directors, agents, partners or employees of Defendant, who may have counsel present, regarding any of the matters contained in this Final Judgment,

(B) Defendant, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such reports in writing with respect to any matters contained in this Final Judgment as may from time to time be

requested.
No information obtained by the means No information obtained by the means provided in this Section IX shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compilance with this Final Judgment or as otherwise required by law. ment, or as otherwise required by law.

If at any time information or documents are furnished by Defendant to Plaintiff, Defendant represents and identifies in writing the material in any such information or doc uments of a type described in Rule 26(c) (7)

of the Federal Rules of Civil Procedure, and Defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c) (7) of the Federal Rules of Civil Procedure," then 10 days notice shall be given by Plaintiff to Defendant prior to divulging such material in any legal pro-ceeding (other than a Grand Jury proceed-ing) to which the Defendant is not a party.

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appro-priate for the construction or implementa-tion, for the modification of any of the provisions, for the enforcement of compliance, and for the punishment of violations of this Final Judgment.

Entry of this Final Judgment is in the public interest.

Dated: \_\_\_\_, 1977.

United States District Judge.

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO, EASTERN DIVI-

United States of America, plaintiff, v. Parker-Hannifin Corporation, defendant.

Civil No. C 72-493. Judge John M. Manos Filed: July 15, 1977.

#### COMPETITIVE IMPACT STATEMENT

The United States, pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. \$16(b)-(h), files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

NATURE AND PURPOSE OF THE PROCEEDING

On May 15, 1972, the United States instituted a civil action against Parker-Han-nian Corporation ("Parker") under Section 15 of the Act of Congress of October 15, 1914, as amended (15 U.S.C. § 25), commonly known as the Clayton Act, to prevent and restrain the continuing violation by Parker of Section 7 of the Clayton Act, as amended (15 U.S.C. § 18). The Complaint alleged that the 1971 merger of Parker with the Ideal Corporation ("Ideal") violated Section 7 of the Clayton Act by eliminating actual and potential competition between Parker and Ideal in the markets discussed below, and that Ideal's leading market position in the manufacture and sale of worm-drive hose clamps may be entrenched by the merger. The Complaint requested the merger be declared unlawful, and that Parker be required to divest itself of Ideal. restrain the continuing violation by Parker

THE EVENTS GIVING RISE TO THE ALLEGED VIOLATION

Parker is an Ohio corporation which had \$211 million in sales in 1970. In 1975, Parker's sales were about \$411 million. Parker is engaged in the manufacture and sale of prodcuts for fluid systems, automative uses and environmental uses. In 1965, Parker acquired Tru-Flate Inc., a manufacturer and seller of tire hardware. Tire hardware products are sold in the automative aftermarket, that is, to persons who resell them, as distributors and mass merchandisers. Prior to its merger with Ideal, the Complaint alleges, Parker was the sixth largest company in the tire hardware market, with 8.1 percent of that market. Ideal, the acquired company, had sales in 1970 of about \$27 million. Ideal was engaged in the manufacture and sale of three principal product lines: worm-drive hose clamps, the hardware, and signal flashers. Worm-drive hose clamps are fastening devices, which are principally used to hold a piece of low pressure hose in a fixed position and consist of a serrated steel band with a threaded word-drive screw which fits into an attached housing and turns in the band's serrations, serving to tighten or loosen the clamp. Worm-drive hose clamps are sold mainly in the automotive aftermarket, but are also sold to manufacturers of mobile equipment, such as tractors and trucks. The Complaint alleges Ideal is the leading manufacturer of about 49 percent of the sales in the worm-drive hose clamp market. The Complaint also alleged the four largest manufacturers accounted for about 90 percent of the total industry sales.

Ideal's manufacturing capability in tire hardware derived primarily from its 1968 acquisition of the Acme Air Appliance Co., Inc. ("Acme"). The Complaint alleges that prior to the merger of Parker and Ideal, Ideal was the fifth largest company in the tire hardware market with 10.2 percent of that market, and that combined, Parker and Ideal were the largest company in the tire hardware market with 18.3 percent of the market. The Complaint alleged that after this merger, the five largest companies in the tire hardware market accounted for about 70 percent of that market.

The Complaint alleged that Parker's acquisition of Ideal eliminated actual competition between Parker and Ideal in the tire hardware market, increased concentration in the tire hardware market, eliminated potential competition between Parker and Ideal in the manufacture and sale of worm-drive hose clamps, entrenched the market position of Ideal in the manufacture and sale of worm-drive hose clamps, foreclosed Ideal's worm-drive hose clamp competitors from selling to various customer's and increased barriers to entry as well as concentration in the manufacture and sale of worm-drive hose clamps, all in violation of Section 7 of the Clayton Act.

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### Explanation of the Proposed Final Judgment

The United States and the defendant have agreed, in a Stipulation, that the proposed Final Judgment may be entered by the Court at any time after compliance with the Antitrust Procedures and Fenalties Act. The stipulation also provides that there has been no admission by any party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Fenalties Act (15 U.S.C. § 16(e)), entry of said Judgment by the Court is conditioned upon its determination that the proposed Judgment is in the public interest.

The proposed Final Judgment requires Parker to divest Aome within two (2) years from the date of entry of the Judgment upon terms and conditions acceptable to the Antitrust Division and the Court. If Parker does not accomplish the divestiture within two (2) years, then, upon application of the United States, the Court will appoint a trustee who will dispose of Aome as expeditiously as possible. However, regardless of whether the United States requests appointment of such trustee, the United States retains the right to request other remedles from the Court, such as a finding of contempt of Court against Parker for not divesting Aome within two (2) years. While the Complaint requested Parker be ordered to divest Ideal,

the divestiture of Acme will achieve the relief requested in the tire hardware market, which was one of the primary objectives of the Complaint. That is, concentration in that market will decrease, and competition will increase as a result of Acme being independent of Parker.

The proposed Final Judgment also prohibits Parker and Ideal, for a two year period after entry of the proposed Final Judgment, from offering to combine Parker and Ideal products, other than products manufactured by Ideal or internally developed by Ideal, with worm-drive hose clamps manufactured by Ideal, with the result that a customer may obtain pooled quantity discounts or meet minimum freight requirements. This requirement should diminish any potential anticompetitive effects of the merger in the worm-drive hose clamp market.

worm-drive hose clamp market.

The proposed Final Judgment prohibits
Farker and Ideal for ten (10) years from, directly or indirectly, acquiring entities engaged in whole or in part in the manufacture
of stated tire hardware products or worm-drive hose clamps.

Finally, the proposed Final Judgment provides the Antitrust Division with rights to inspect Parker's records and to interview its officers and employees in order to determine and secure compliance with the Final Judgment.

#### IV

### REMEDIES AVAILABLE TO POTENTIAL PRIVATE PLAINTIFFS

Any potential private plaintiffs who might have been damaged by the alleged violation will retain the same right to sue for monetary damages of three times the damages such persons have suffered and any other legal and equitable remedies which they would have had were the proposed Final Judgment not entered. This proposed Final Judgment, however, may not be used as prima facie evidence in private litigation pursuant to Section 5(a) of the Clayton Act.

#### V

PROCEDURES AVAILABLE FOR THE MODIFICATION OF THE PROPOSED JUDGMENT

The proposed Final Judgment is subject to a Stipulation by and between the United States and the defendant, which provides that the United States may withdraw its consent to the proposed Final Judgment until the Court has found that entry of the proposed Judgment is in the public interest. Within the statutory period of sixty (60) days (15 U.S.C. § 16) of the filing of the proposed Final Judgment with the District Court for the Northern District of Ohio in Cleveland, Ohio, any person may submit written comments regarding the proposed Final Judgment to:

John A. Weedon, Chief, Great Lakes Field Office, Antitrust Division, U.S. Department of Justice, 995 Celebrezze Federal Building, Cleveland. Ohio 44199.

Such comments and the Antitrust Division's responses thereto will be filed with the District Court and published in the Federal Register. The Department of Justice will evaluate such comments and determine, prior to its entry, whether there is any reason for withdrawal of its consent to the proposed Final Judgment.

#### V

ALTERNATIVES TO THE PROPOSED JUDGMENT CONSIDERED BY THE UNITED STATES

One alternative to the proposed Final Judgment considered by the Antitrust Division of the Department of Justice was a full trial on the merits in order to obtain full divestiture by Parker of all of its in-

terest in Ideal. The Antitrust Division believes that the divestiture of Acme, in addition to the other provisions of the proposed Final Judgement, is sufficient to dissipate the anticompetitive effects of the acquisition in the tire hardware market. Also, the Antitrust Division believes that the additional relief which might have been obtained did not warrant the substantial risk, time, and expense normally associated with a full trial on the merits. Finally, the relief contemplated by the proposed Final Judgment will be implemented more quickly than any relief obtained after a trial.

While the proposed final judgment provides only limited relief in the worm-drive hose clamp market, the Antitrust Division does not believe that a full trial on the merits would result in additional relief. Changing industry conditions together with further analysis of the allegations concerning the worm-drive hose clamp market have caused the Antitrust Division to conclude that it would be very difficult to prove the anticompetitive effect in that market.

At one point in the negotiations, the Anti-trust Division sought to require Farker to divest Ideal within four years of the date of entry of the Judgment if it did not di-vest Acme within two years of the Judgment. Parker rejected this proposal, however, and represented to the Antitrust Division that Acmo's manufacturing operations are now profitable and efficient, with further increases in profits projected, that Acmo is now an attractive company to offer for sale, and that Parker anticipates no difficulty in disposing of Acmo within two years. Relying on these representations and information supplied by Parker, the Antitrust Division agreed to the proposed Final Judgment which orders divestiture of Acme within two years. The Antitrust Division also deleted from the proposed Judgment a provision which would have required Parker to offer to sell certain of its products to Aomo's purchaser for a four year period and which would have re-quired Parker to offer to purchase certain of Aomo's products for the same period. The Antitrust Division concluded that these requirements did not materially enhance Armo as a divestiture candidate. In addition, the Antitrust Division deleted from the proposed Judgment a provision that would have required Parker to offer to purchase varying amounts of its worm-drive hose clamp requirements over a four year period from one or more vendors other than Ideal, if stated pricing conditions were met. The Antitrust Division concluded that this provision was unnecessary inasmuch as Parker has repre-sented that it will have only minimal resented that it will have only minimal fequirements for worm-drive hose clamps. In addition, the pricing conditions would lead to disclosure of third party pricing data to Parker. Finally, such a provision would impart an unwarranted artificiality to the marketyless. marketplace.

Further, the Antitrust Division also sought to require Farker and Ideal not to combine products with stated exceptions for a period of three years. It agreed to a two year period after the defendant dropped a requirement for a meeting of competition exception and an exception permitting it to substitute products of its TPH Division for Aome if Acme were divested within two years from the date of entry of the Judgment.

#### VII

#### DETERMINATIVE DOCUMENTS

There are no materials or documents which were determinative in formulating the proposed Final Judgment. Consequently, none are being filed by the Plaintiff pursuant to Section 2(b) of the Antitrust Procedures and Penaltics Act (15 U.S.C. § 16(b)).

Gerald H. Rubin, Joan Farragher, Saundra B. Wallack, William J. Oberdick, Attorneys, Department of Justice, Antitrust Division, 995 Celebrezze Federal Building, Cleveland, Ohio 44199, Telephone: (216) 522-4076.

[FR Doc.77-21286 Filed 7-22-77;8:45 am]

#### NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

National Endowment for the Humanities **FELLOWSHIPS PANEL** 

**Notice of Meeting** 

JULY 20, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Fellowships Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 314, from 9:30 a.m. to 5:30 p.m. on August 11.

The purpose of the meeting is to review Fellowships for Independent Study and Research applications in the field of Sociology and Psychology submitted to the National Endowment for the Humanities for projects beginning after October 1, 1977.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 28, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0256.

> JOHN W. JORDAN, Advisory Committee Management Officer.

[FR Doc.77-21277 Filed 7-22-77;8:45 am]

#### FELLOWSHIPS PANEL Notice of Meeting

JULY 20, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended). notice is hereby given that a meeting of the Fellowships Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 314, from 9:30 am. to 5:30 pm. on August

The purpose of the meeting is to review Fellowships for Independent Study and Research applications in the field of Law and Political Theory submitted to

John A Weedon, Attorney, Department of the National Endowment for the Humanitles for projects beginning after October 1, 1977.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 28, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0256.

> JOHN W. JORDAN, Advisory Committee ' Management Officer.

[FR Doc.77-21267 Filed 7-22-77;8:45 am]

#### FELLOWSHIPS PANEL Notice of Meeting

JULY 20, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Fellowships Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 314, from 9:30 am. to 5:30 pm. on August 15.

The purpose of the meeting is to review Fellowships for Independent Study and Research applications in the field of Non-European History submitted to the National Endowment for the Humanities for projects beginning after October 1, 1977.

Because the proposed meeting will consider financial information and disclosure information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 28, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(3) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0256.

> JOHN W. JORDAN, Advisory Committee Management Officer.

[FR Doc.77-21276 Filed 7-22-77;8:45 am]

#### FELLOWSHIPS PANEL Notice of Meeting

JULY 20, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Fellowships Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 314, from 9:30 a.m. to 5:30 p.m. on August 17.

The purpose of the meeting is to review Fellowships for Independent Study and Research applications in the field of English Literature submitted to the National Endowment for the Humanities for projects beginning after October 1, 1977.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 28, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0256.

John W. Jordan, Advisory Committee Management Officer.

[FR Doc.77-21273 Filed 7-22-77;8:45 am]

#### FELLOWSHIPS PANEL Notice of Meeting

JULY 20, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Fellowships Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 314, from 9:30 a.m. to 5:30 p.m. on August 20.

The purpose of the meeting is to review Fellowships for Independent Study and Research applications in the field of Recent U.S. History submitted to the National Endowment for the Humanities for projects beginning after October 1,

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Commit-tee Meetings, dated April 28, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0256.

JOHN W. JORDAN, Advisory Committee Management Officer.

[FR Doc.77-21266 Filed 7-22-77;8:45 am]

#### **FELLOWSHIPS PANEL Notice of Meeting**

JULY 20, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Fellowships Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 314, from 9:30 a.m. to 5:30 p.m. on August 22.

The purpose of the meeting is to review Fellowships for Independent Study and Research applications in the field of English submitted to the National Endowment for the Humanities for projects beginning after October 1, 1977.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advi-sory Committee Meetings, dated April 28, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0256.

> JOHN W. JORDAN. Advisory Committee Management Officer.

[FR Doc. 77-21268 Filed 7-22-77;8:45 am]

#### FELLOWSHIPS PANEL **Notice of Meeting**

JULY 20, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that a meeting of the Fellowships Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 314, from 9:30 a.m. to 5:30 p.m. on August 23.

The purpose of the meeting is to review Fellowships for Independent Study and Research applications in the field of Religion submitted to the National Endowment for the Humanities for projects beginning after October 1, 1977.

Because the proposed meeting will consider financial information and disclose 92-463, as amended), notice is hereby

information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 28, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0256.

> JOHN W. JORDAN Advisory Committee Management Officer.

[FR Doc.77-21269 Filed 7-22-77;8;45 am]

#### FELLOWSHIPS PANEL **Notice of Meeting**

JULY 20, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Fellowships Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in Room 314, from 9:30 a.m. to 5:30 p.m. on August 25.

The purpose of the meeting is to review Fellowships for Independent Study and Research applications in the field of U.S. History submitted to the National Endowment for the Humanities for projects beginning after October 1, 1977.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority To Close Advisory Committee Meetings, dated April 28, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0256.

JOHN W. JORDAN Advisory Committee Management Officer.

[FR Doc.77-21270 Filed 7-22-77:8:45 am]

#### FELLOWSHIPS PANEL -**Notice of Meeting**

JULY 20, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L.

given that a meeting of the Fellowships Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in Room 314, from 9:30 a.m. to 5:30 p.m. on August 26.

The purpose of the meeting is to review Fellowships for Independent Study and Research applications in the field of Art History submitted to the National Endowment for the Humanities for projects beginning after October 1, 1977.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 28, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid inter-ference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0256.

JOHN W. JORDAN, Advisory Committee Management Officer.

[FR Doc.77-21271 Filed 7-22-77;8:45 am]

#### **FELLOWSHIPS PANEL** Notice of Meeting

JULY 20. 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Fellowships Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 314, from 9:30 am. to 5:30 pm. on August

The purpose of the meeting is to review Fellowships for Independent Study and Research applications in the field of International Relations, Political Be-havior and Comparative Politics submitted to the National Endowment for the Humanities for projects beginning after October 1, 1977.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 28, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street,

NW., Washington, D.C. 20506, or call area code 202-724-0256.

John W. Jordan, Advisory Committee Management Officer.

[FR Doc.77-21272 Filed 7-22-77;8:45 am]

## FELLOWSHIPS PANEL Notice of Meeting

JULY 20, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Fellowships Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 314, from 9:30 am. to 5:30 pm. on August 29.

The purpose of the meeting is to review Fellowships for Independent Study and Research applications in the field of Philosophy of Mind Linguistics and Philosophy of Language Aesthetics submitted to the National Endowment for the Humanities for projects beginning after October 1, 1977.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 28, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0256.

John W. Jordan, Advisory Committee Management Officer.

[FR Doc.77-21274 Filed 7-22-77;8:45 am]

## FELLOWSHIPS PANEL Notice of Meeting

JULY 20, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Fellowships Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 314, from 9:30 am. to 5:30 pm. on August 30.

The purpose of the meeting is to review Fellowships for Independent Study and Research applications in the field of German Literature Classics submitted to the National Endowment for the Humanities for projects beginning after October 1, 1977.

Because the proposed meeting will consider financial information and dis-

close information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 28, 1977. I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202–724–0256.

John W. Jordan, Advisory Committee Management Officer.

[FR Doc.77-21275 Filed 7-22-77;8:45 am]

#### NUCLEAR REGULATORY COMMISSION

ABNORMAL OCCURRENCE EVENT Overexposure of Two Radiographers

Section 208 of the Energy Reorganization Act of 1974, as amended, required the NRC to disseminate information on abnormal occurrences (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of public health and safety). The following incident was determined to be an abnormal occurrence using the criteria published in the Federal Register on February 24, 1977 (42 FR 10950). Appendix A (Example I, A, 1) of the Policy Statement notes that exposure of the whole body of any individual to 25 rems or more of radiation can be considered an abnormal occurrence.

#### OVEREXPOSURE OF TWO RADIOGRAPHERS

Date and Place.—On June 20, 1977, the NRC was notified by J. G. Sylvester Associates, Inc., Rockland, Mass., that two radiographers had been exposed to radiation on June 16, 1977, while working at the licensee's Rockland, Mass., facility. The licensee estimated that the dose to the head of one radiographer could have been as much as 400 rems. Film badge results indicated exposures of 3-4 rems to the bodies of the radiographers.

Nature and Probable Consequences .-On June 16, 1977, at approximately 5 a.m., a radiographer and radiographer's assistant completed a series of exposures using a 35 curie cobalt-60 source. They moved the guide tube attached to the cobalt-60 exposure device to another position but left the exposure device unlocked and the control cables attached. A second exposure device containing 94 curies of iridium-192 was then taken from storage, prepared for use and an exposure was begun. The control crank for the iridium-192 exposure device was placed near the control crank for the cobalt-60. At the completion of the time allotted for the iridium-192 exposure, the radiographer's assistant mistakenly operated the cobal-60 crank, resulting in the exposure of the cobalt-60 source. The radiographer's assistant then entered the cell carrying a survey instrument, but failed to detect the strong radiation field caused by the exposed sources. The assistant retrieved the exposed film and left the cell. The radiographer then entered the cell and placed a new film in place. He spent 2-3 minutes in close proximity to the exposed iridium-192 source and actually bumped the exposed source with his head twice.

From film badges worn by the two individuals and reconstruction of the incident, it is estimated that the radiographer received a dose of 4 rems to the trunk of the body, up to 11 rems to the gonads, up to 18 rems to the eyes and from 100-400 rems to two small areas of the left side of the head. It is estimated that the radiographer's assistant received a whole body exposure of 4 rems.

The consequences of this type of incident are limited to the individuals involved and are expected to be small. Both individuals were examined by a physician. No observable effects are expected for the radiographer's asistant. The radiographer may experience a slight reddening and temporary hair loss at the sites of contact with the source. The event was classified as an abnormal occurrence based on the high dose to the small area of the radiographer's head as a dose to the head is considered equivalent to a whole body dose.

Cause or Causes.—The direct cause of these exposures was a failure to perform an adequate radiation survey on entry into the cell. Contributing to this was the fact the radiographer's assistant was inexperienced and was not directly supervised by the radiographer in operating the crank and performing the survey.

ACTIONS TAKEN TO PREVENT RECURRENCE

Licensee.—All radiographers and radiographer's assistants have been retrained in the proper use of survey instruments. Radiographers have been given specific instructions concerning supervision of radiographer's assistants. Company management now conducts more frequent audits of radiograph performance.

NRC.—An investigation, including reenactment of the exposure, was completed on June 22, 1977. Enforcement action for activities which were not in compliance with NRC regulations is being evaluated. The NRC has contacted the President of Sylvester Associates to emphasize the seriousness of the event and express NRC's concern.

For the Nuclear Regulatory Commission

Dated at Bethesda, Md., this 19th day of July 1977.

LEE V. GOSSICK, Executive Director for Operations.

[FR Doc.77-21392 Filed 7-22-77; 8:45 am]

# AD/ISORY COMMITTEE ON REACTOR SAFEGUARDS SITING EVALUATION SUBCOMMITTEE

#### Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039 2232 b.), the ACRS Siting Evaluation Subcommittee will hold an open meeting on August 9, 1977 in Room 1062, 1717 H St. NW., Washington, D.C. 20555. The purpose of this meeting is to discuss general nuclear facility siting considerations with members of the NRC Staff.

The agenda for subject meeting shall be as follows:

#### TUESDAY, AUGUST 9, 1977

8:30 A.M. UNTIL CONCLUSION OF BUSINESS

The Subcommittee, with any of its consultants who may be present, will meet in Executive Session to explore their preliminary opinions regarding matters which should be considered in order to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will meet to hear presentations by representatives of the NRC Staff, and its consultants, and will hold discussions with these groups pertinent to general nuclear facility siting considerations.

At the conclusion of this session, the subcommittee may caucus to determine whether the matters identified in the initial session have been adequately covered.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over uncompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety and Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than August 2, 1977, addressed to Dr. Andrew L. Bates, ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on August 8, 1977 to the Office of the Executive Director of the Committee (telephone 202-634-1919, Attn.: Dr. Andrew L. Bates) between 8:15 and 5 p.m. EDT.

(d) Questions may be propounded only by members of the Subcommittee, its consultants, and Staff.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will be allowed while the meeting is in session at the discretion of the Chairman to a degree that is not disruptive to the meeting. When use of such equipment is permitted, appropriate measures will be taken to protect proprietary or privileged information which may be in documents, folders, etc. being used during the meeting. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept.

(f) A copy of the transcript of the portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after August 16 and November 9, 1977, respectively, at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555.

Copies may be obtained upon payment of appropriate charges.

Dated: July 21, 1977.

JOHN C. HOYLE, Advisory Committee Management Officer.

[FR Doc.77-21446 Filed 7-22-77;8:45 am]

# ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON REGULATORY ACTIVITIES

#### Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on Regulatory Activities will hold an open meeting on August 10, 1977 in Room 1046, 1717 H St. NW., Washington, D.C. 20555.

The agenda for subject meeting shall be as follows:

#### WEDNESDAY, AUGUST 10, 1977

#### 8.45 A.M.-11 A.M.

A. The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to the following:

(1) Regulatory Guide 1.124, Revision 1, "Design Limits and Loading Combinations for Class 1 Linear-Type Compo-nent Supports."

(2) Regulatory Guide 1.52, Revision 2, "Design, Testing, and Maintenance Criteria for Engineered-Safety-Feature Atmosphere Cleanup System Air Filtration and Adsorption Units for Light Water Cooled Nuclear Power Plants.

(3) Regulatory Guide 1.XX, "Normal Water Level and Discharge at Nuclear

Power Plants.

(4) Regulatory Guide 1.ZZ, "Design, Testing, and Maintenance Criteria for Normal Ventilation Exhaust System Air Filtration and Adsorption Units of Light Water Cooled Nuclear Power Plants,'

#### 11 A.M. UNTIL THE CONCLUSION OF BUSINESS

B. The Subcommittee will hear presentations from the NRC Staff and will hold discussion with this group pertinent to activities which affect the current licensing process on reactor operations, including those related to "The Status of Modification or Lack of Modification to 10 CFR 50.55a(g) Relevant to Approval or Disapproval of ASME Codes."

Other matters which may be of a predecisional nature relevant to reactor operation or licensing activities may be discussed following this session.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental

impacts outside the radiological safety area.

With respect to public participation in the meeting, the following requirements shall apply:

(A) Persons wishing to submit written statements regarding Regulatory Guides 1.124 and 1.52 may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Such comments shall be based upon documents on file and available for public inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than August 3, 1977 to Mr. G. R. Guittschreiber, ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

(B) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(C) Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on August 9, 1977 to the Office of the Executive Director of the Committee (telephone 202–634–1374, Attn: Mr. G. R. Quittschreiber) between 8:15 a.m. and 5 b.m. EDT.

5 p.m., EDT.
(D) Questions may be propounded only by members of the Working Group,

its consultants, and Staff.

The use of still, notion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will be allowed while the meeting is in session at the discretion of the Chairman to a degree that is not disruptive to the meeting. When use of such equipment is permitted, appropriate measures will be taken to protect proprietary or privileged information which may be on documents, folders, etc. being used during the meeting. Recordings of the proceedings will be permitted only during those sessions when a transcript is being kept.

(F) A copy of the transcript of the portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 on or after August 17, 1977, and November 10, 1977, respectively.

Copies may be obtained upon payment of appropriate charges.

Dated: July 21, 1977.

John C. Hoyle, Advisory Committee Management Officer.

[FR Doc.77-21449 Filed 7-22-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP NO. 2 OF THE REACTOR SAFETY RESEARCH SUBCOMMITTEE

#### Meeting; Addition to Agenda

The agenda for the meeting on Tuesday, August 9, 1977 of the ACRS Reactor Safety Research Subcommittee's Working Group No. 2 will now include review of safety research pertaining to fuel behavior as well as metallurgy and materials used in light water reactors.

Previous announcements of this meeting were made in the Federal Register on June 30, 1977, page 33388 and July 14, 1977, Page 36329 (change of date from July 18, 1977 to August 9, 1977).

All other items remain the same.

Dated: July 21, 1977.

John C. Hoyle, Advisory Committee Management Officer.

[FR Doc.77-21447 Filed 7-22-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP NO. 6 OF THE SUBCOMMITTEE ON REACTOR SAFETY RESEARCH

#### Meeting: Change of Time

The meeting of the ACRS Reactor Safety Research Subcommittee's Working Group No. 6 on Thursday, August 4, 1977 will begin at 10:00 a.m. instead of 8:30 a.m. as announced in the Federal Register, July 18, 1977, page 36900.

All other items remain the same.

Dated: July 21, 1977.

JOHN C. HOYLE, Advisory Committee Management Officer.

[FR Doc.77-21448 Filed 7-22-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP NO. 5 OF THE REACTOR SAFETY RESEARCH SUBCOMMITTEE

#### Meeting; Change of Date

The July 27, 1977, meeting of the ACRS Reactor Safety Research Subcommittee's Working Group No. 5 announced in the Federal Register, July 11, 1977, page 35708, has been rescheduled to be held August 3, 1977 in Room 1046, 1717 H St. NW., Washington, D.C. 20555.

Written comments postmarked no later than July 27, 1977, addressed to Mr. John C. McKinley, ACRS, NRC, Washington, D.C. 20555 will normally be

received in time to be considered at this meeting.

A copy of the transcript of the open portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after August 10 and November 3, 1977, respectively, at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555.

All other matters pertaining to this meeting remain the same.

Dated: July 20, 1977.

John C. Hoyle, Advisory Committee, Management Officer.

[FR Doc.77-21381 Filed 7-22-77;8:45 am]

[Dockets Nos. 50-269, 50-270 and 50-287]

#### DUKE POWER CO.

#### Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 43, 43 and 40 to Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company which revised Technical Specifications for operation of the Oconee Nuclear Station Units Nos. 1, 2, and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments delete the requirement that containment integrity be maintained when the reactor coolant system is open to the containment atmosphere and the requirements for a refueling shutdown are not met.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR. Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d) (4) an environmental statement, negative declaration, or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated February 5, 1976, (2) Amendments Nos. 43, 43 and 40 to Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Oco-

nee Country Library, 201 South Spring, Walhalla, South Carolina 29691.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 5th day of July 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER, Chief Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-21032 Filed 7-22-77;8:45 am]

[Docket Nos. 50-387 and 50-388]

PENNSYLVANIA POWER AND LIGHT CO. AND ALLEGHENY ELECTRIC COOPERA-TIVE, INC.

Receipt of Additional Antitrust Information; Time for Submission of Views on Antitrust Matters

Pennsylvania Power and Light Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed on April 12, 1977, information requested by the Attorney General for Antitrust Review as required by 10 CFR Part 50, Appendix L. This information adds Allegheny Electric Cooperative, Inc. as an owner of the Susquehanna Steam Electric Station. Units 1 and 2.

Steam Electric Station, Units 1 and 2. The information was filed by Pennsylvania Power and Light Company in connection with their application for construction permits and operating licenses for two boiling water nuclear reactors. The Pennsylvania Power and Light Company was issued two construction permits on November 2, 1973 for their Susquenhanna Steam Electric Station, Units 1 and 2. Construction is underway on a site located in Salem Township, Luzerne County, Pennsylvania.

The original antitrust portion of the application was submitted on March 23, 1971 and Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters was published in the Federal Register on May 7, 1971 (36 FR 8529). The Notice of Hearing was published in the Federal Register on September 23, 1972 (37 FR 20090).

A copy of all the above stated documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Osterhout Free Library, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Information in connection with the antitrust review of this application can be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. ATTN: Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.

Any person who wishes to have his views on the antitrust matters with respect to the Allegheny Electric Cooperative, Inc. presented to the Attorney Gen-

eral for consideration should submit such views to the U.S. Nuclear Regulatory Commission on or before August 23, 1977.

Dated at Bethesda, Maryland, this 16th day of June, 1977.

For the Nuclear Regulatory Commission.

ANTHONY BOURNIA.

Acting Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc.77-20443 Filed 7-15-77;8:45 am]

[Docket No. 50-333]

### POWER AUTHORITY OF THE STATE OF NEW YORK

### Proposed Issuance of Amendment to Facility Operating License

Note.—This document originally appeared at page 37608 in the FEDERAL REGISTER for Friday, July 22, 1977. It is reprinted in this issue to meet the assigned day-of-the-week publication schedule.

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-59 issued to the Power Authority of the State of New York (the licensee), for operation of the James A. FitzPatrick Nuclear Power Plant (the facility), located in Oswego County, New York.

In accordance with the licensee's request dated July 7, 1977, the amendment would consider a reevaluation of Emergency Core Cooling System (ECCS) cooling performance submitted in accordance with the Commission's Order for Modification of License dated March 11, 1977. This reevaluation not only corrected the errors noted in the March 11, 1977 Order but also included the effect of certain other recently approved model changes in the ECCS evaluation models. These changes would permit an increase in authorized Maximum Average Planar Linear Heat Generation Rates, and are the aspects of the amendment covered by this notice.

The Commission will act upon the amendment upon: (1) The completion of a Safety Evaluation by the Office of Nuclear Reactor Regulation; and (2) completion of the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By August 22, 1977, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with re-

spect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this Federal Register notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Lex Larson, Esquire, LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street NW., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petition's stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the licensee's request dated July 7, 1977, and General Electric's submittal dated June 29, 1977, which are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. and at the Oswego County Office Building, 46 E. Bridge Street, Oswego, New York.

Dated at Bethesda, Maryland, this 20th day of July 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID, Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-21380 Filed 7-21-77;10:26 am]

### REGULATORY GUIDE Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific prob-

lems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for

permits and licenses.

Regulatory Guide 1.123, Revision 1, "Quality Assurance Requirements for Control of Procurement of Items and Services for Nuclear Power Plants," describes a method acceptable to the NRC staff for complying with the Commission's regulations with regard to quality assurance requirements for the control of procurement of items and services during the design, construction, and operations phases of nuclear power plants. This guide was revised as the result of public comment and additional staff review.

Comments and suggestions in connection with: (1) items for inclusion in guides currently being developed, or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 2055, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 12th day of July 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE, Director, Office of Standards Development.

[FR Doc.77-21035 Filed 7-22-77;8:45 am]

#### REGULATORY GUIDE

#### **Issuance and Availability**

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.111, Revision 1, "Methods for Estimating Atmospheric Transport and Dispersion of Gaseous Effluents in Routine Releases from LightWater-Cooled Reactors," describes basic features of calculational models and assumptions for the estimating of atmospheric transport and dispersion of gaseous effluents in routine releases from land-based light-water-cooled reactors. This guide was reviewed as the result of public comment and additional staff review.

Comments and suggestions in connection with: (1) items for inclusion in guides currently being developed, or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552 (a).)

Dated at Rockville, Md., this 13th day of July 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of
Standards Development.

[FR Doc.77-21036 Filed 7-22-77;8:45 am]

#### [Docket No. 50-346] .

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO. DAVIS-BESSE NUCLEAR FOWER STATION, UNIT NO. 1

### Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to the Facility Operating License No. NPF-3, issued to the Toledo Edison Company and the Cleveland Electric Illuminating Company, which revised Technical Specifications for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

This license is amended by making the appropriate changes to the technical specifications on pages 3/4 3-25, 3/4 3-26, 3/4 3-28, 3/4 3-30.

The amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which

are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR \$51.5(d) (4) an environmental impact statement, negative declaration, or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) Amendment No. 4 to License No. NPF-3, (2) the Commission's related Safety Evaluation supporting Amendment No. 4 to License No. NPF-3. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Ida Rupp Public Library, 310 Madison Street, Port Clinton, Ohio 43452. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Md., this 8th day of July 1977.

For the Nuclear Regulatory Commission.

JOHN STOLZ, Chief, Light Water Reactors Branch No. 1, Division of Project Management.

[FR Doc.77-21033 Filed 7-22-77;8:45 am]

### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

#### Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Ractor Safeguards will hold a meeting on August 11–13, 1977, in Room 1046, 1717 H Street N.W., Washington, DC.

The agenda for the subject meeting will be as follows:

THURSDAY, AUGUST 11, 1977

8:30 A.M. TO 9:15 A.M.: EXECUTIVE SESSION (OPEN)

The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities.

The Committee will also har and discuss the report of the ACRS Subcommittee and consultants who may be present related to review of the request for Preliminary Design Approval of the Babcock and Wilcox Standard Safety Analysis Report (BSAR-205). Portions of this session will be closed if necessary to discuss Proprietary Information and security arrangements applicable to this type plant.

9:15 A.M. TO 1:15 P.M.: BABCOCK AND WIL-COX STANDARD SAFETY ANALYSIS REPORT (BSAR-205) (OPEN) The Committee will hear presentations and hold discussions with representatives of the NRC Staff and the Applicant related to the request for Preliminary Design Approval for this type facility. Portions of this session will be closed if necessary to discuss Proprietary Information and security arrangements applicable to this type plant.

### 2:15 P.M. TO 3 P.M.: EXECUTIVE SESSION (OPEN)

The Committee will hear and discuss the report of ACRS Subcommittees, Working Groups and Members related to Regulatory Activities, including proposed Regulatory Guides, as appropriate; integrity of reactor pressure vessels; and methodology/criterion for seismic evaluation of nuclear facilities.

### 3 P.M. TO 5:30 P.M.: MEETING WITH NRC STAFF (OPEN)

The Committee will hear presentations and hold discussions with members of the NRC Staff regarding recent operating experience at nuclear facilities, recent licensing actions, generic matters related to reactor licensing, and the future schedule for ACRS activities. This discussion will include:

Operating occurrences at the Crystal River Nuclear Plant and the Browns Ferry Nuclear Station proposed chemical cleaning of Dresden Nuclear Power Plant Unit 1. Probability of occurrence of the Design Basis Flood review of fuel damage limits. Control room habitability following an accident future schedule and anticipated ACRS activities.

### 5:30 P.M. TO 6 P.M.: EXECUTIVE SESSION (OPEN)

The Committee will hear and discuss the report of the ACRS Subcommittee, regarding ECCS upper head injection; and proposed revision of 10 CFR, Part 50, Appendix K ECCS Evaluation Models. Portions of this session will be closed if necessary to protect Proprietary Information related to these matters.

### 6 P.M. TO 7:30 P.M.: ECCS UPPER HEAD INJECTION (OPEN)

The Committee will hear presentations by and hold discussions with representatives of the NRC Staff and Westinghouse Electric Corporation regarding the ECCS Upper Head Injection System proposed for Westinghouse pressurized water reactors. Portions of this session will be closed if required to discuss Proprietary Information related to the design and operation of this system.

#### FRIDAY, AUGUST 12, 1977

### 8:30 A.M. TO 9 A.M.: EXECUTIVE SESSION (OPEN)

The Committee will hear and discuss the report of the ACRS Subcommittee and consultants who may be present regarding the request for review of non-seismic matters related to the request for an Operating License for the Diablo Canyon Nuclear Power Station Units 1 and 2. Portions of this session will be closed if necessary to discuss Proprietary

Information and provisions for physical protection of this facility.

### 9 A.M. TO 1 P.M.: DIABLO CANYON NUCLEAR POWER STATION UNITS 1 AND 2 (OPEN)

The Committee will hear presentations from and hold discussions with representatives of the NRC Staff and the Applicant regarding non-seismic matters related to the request for an Operating License for this plant. Portions of this session will be closed if necessary to discuss Proprietary Information and provisions for physical protection of this facility.

### 2 P.M. TO 2:30 P.M.: EXECUTIVE SESSION (OPEN)

The Committee will hear and discuss the report of the ACRS Subcommittee and consultants who may be present regarding the request for a Construction Permit for the Shearon Harris Nuclear Power Plan Units 1, 2, 3, and 4. Portions of this session will be closed if necessary to discuss Proprietary Information and provisions for physical protection of this facility.

2:30 P.M. TO 5:30 P.M.: SHEARON HARRIS NUCLEAR POWER PLANT UNITS 1, 2, 3, AND 4 (OPEN)

The Committee will hear presentations from and hold discussions with representatives of the NRC Staff and the Applicant regarding the request for a Construction Permit for this plant. Portions of this session will be closed if necessary to discuss Proprietary Information and provisions for physical protection of this facility.

### 5:30 P.M. TO 6:30 P.M. EXECUTIVE SESSION (OPEN/CLOSED)

The Committee will hear and discuss reports of ACRS Subcommittees, Working Groups and Members related to the radioactive waste management program, the reevaluation of NRC siting policy and practice, the hypothetical core disruptive accident for LMFBR's and provisions for physical protection of nuclear facilities. Portions of this session will be closed as required to discuss Proprietary Information and National Security Information applicable to specific nuclear facilities.

The Committee will also discuss proposed reports to the Nuclear Regulatory Commission on the Babcock and Wilcox Standard Safety Analysis Report (BSAR-250), the Diablo Canyon Nuclear Power Plant Units 1 and 2, the Shearon Harris Nuclear Power Plant Units 1, 2, 3 and 4, and ECCS Upper Head Injection. Portions of this session will be closed as required to protect Proprietary Information and matters involved in NRC adjudicatory proceedings.

#### SATURDAY, AUGUST 13, 1977

### 8:30 A.M. TO 12:30 P.M.: EXECUTIVE SESSION (OPEN/CLOSED)

The Committee will complete preparation of its reports to the NRC on matters discussed during this meeting. Portions of this session will be closed as required to

protect matters involved in NRC adjudicatory proceedings.

I have determined in accordance with Subsection 10(d) of Public Law 92-463 that it is necessary to close portions of the meeting as noted above to protect proprietary date (5 U.S.C. 552b.(c) (4)), to preserve the confidentiality of information related to safeguarding of special nuclear material and the physical protection of nuclear facilities (5 U.S.C. 552b.(c) (1) (4). The portions of the meeting during which the ACRS reports on the Diablo Canyon Nuclear Power Station and the Shearon Harris Nuclear Power Plant are prepared will be held in closed session pursuant to exemption (10) of 5 U.S.C. 552b.(c) since it involves the Committee's participation in an adjudicatory proceeding. Separation of factual information from information considered exempt from disclosure under exemptions (1), (4), and (10) of 5 U.S.C. 552b.(c) during these portions of the meeting is not considered practical.

Practical considerations may diotate alterations in the above agenda or schedule. The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's li-censing process. ACRS meetings do not normally deal with matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Committee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview. Persons desiring to mail written comments may do so by mailing a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than August 3, 1977, to the Executive Director, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555 will normally be received in time to be considered at this meeting. Background information concerning items to be con-

sidered at this meeting can be found in documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the following Public Document Rooms:

Diablo Canyon Nuclear Station, San Luis Obispo County Library, 888 Morro Street, San Luis Obispo, CA 93406.

Shearon Harris Nuclear Power Plant, Wake County Public Library, 104 Fayetteville Street, Raleigh, NC 27601.

(b) Those persons wishing to make oral statements regarding agenda items at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral in safety-related areas statements within the Committee's purview at an appropriate time chosen by the Chairman of the Committee.

(c) Further information regarding topics to be discussed, whether the meeting or portions of the meeting have been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor, can be obtained by a prepaid telephone call on August 10, 1977, to the Office of the Executive Director of the Committee (telephone 202-634-1371) between 8:15 a.m. and 5 p.m., Eastern Time. It should be noted that the above schedule is tentative, based on the anticipated availability of related information, etc. It may be necessary to reschedule items to accommodate required changes. The ACRS Executive Director will be prepared to describe these changes on August 10, 1977.

(d) Questions may be propounded only by members of the Committee, its con-

sultants and staff.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will be allowed while the meeting is in session at the discretion of the Chairman to a degree that is not disruptive of the meeting. When use of such equipment is permitted, appropriate measures will be taken to protect proprietary or privileged informa-tion which may be in documents, folders, etc. being used during the meeting. Recordings of the proceedings will be permitted only during those open sessions when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary in-formation other than safeguards in-formation may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed. The Executive Director of the ACRS should be informed of such an agreement at least 3 days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of this agreement to the material that will be discussed during the

meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the Executive Director at the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented will be available for inspection during the following workday at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C., on or after November 11, 1977. Copies may be obtained upon payment of appropriate charges.

Dated: July 22, 1977.

JOHN C. HOYLE Advisory Committee Management Officer.

[FR Doc.77-21515 Filed 7-22-77;8:45 am]

#### ADVISORY COMMITTEE ON REACTOR **SAFEGUARDS**

#### **Proposed Meetings**

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and Working Groups and of the full Committee, the following preliminary schedule is being published. This preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published in the Federal Register on June 23, 1977, page 31848. Those meetings which are definitely scheduled have had, or will have, an individual notice published in the Federal Register approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (\*). It is expected that the sessions of the full Committee meeting designated by an asterisk (\*) will be open in whole or in part to the public. Information as to whether a meeting has been firmly scheduled, cancelled or rescheduled, or whether changes have been made in the agenda for the August 11-13, 1977 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202-634-1374, Attention: Mary E. Vanderholt) between 8:15 a.m. and 5 p.m., EDT.

#### SUBCOMMITTEE AND WORKING GROUP MEETINGS

\*Emergency Core Cooling System, July 25, 1977, Washington, D.C. The Sub-

committee will meet to review calculational results obtained when using the evaluation model for the Westinghouse Emergency Core Cooling System with upper head injection. Notice of this meeting was published in the Federal Register on July 7, 1977, on page 34952.

\*Emergency Core Cooling System, July 26, 1977, Washington, D.C. The Subcommittee will meet to discuss possible changes to the Emergency Core Cooling System (ECCS) Rule (10 CFR 50.46 and Appendix K to 10 CFR Part 50). Notice of this meeting was published in the FEDERAL REGISTER on July 11, 1977, page 35707.

\*Babcock and Wilcox Water Reactors, July 27, 1977, Washington, D.C. (Postponed from July 26, 1977.) The Subcommittee will meet to review the application by the Babcock and Wilcox Company for preliminary design approval of their proposed standard plant design (BSAR-205). Notice of this meeting was published in the Federal Register on July 11, 1977, page 35706.

Working Group No. 5 of the Reactor Safety Research Subcommittee, July 27, 1977, Washington, D.C. Postponed to August 3, 1977.

\*Shearon Harris Nuclear Power Plant, July 27, 1977, Washington, D.C. Post-poned to August 6, 1977.

\*Working Group No. 3 of the Reactor Sajety Research Subcommittee, July 28, 1977, Washington, D.C. The Working Group will meet to review matters pertaining to the scope of the site safety research currently being performed and planned by the NRC. Notice of this meeting was published in the Federal Regis-TER on July 11, 1977, page 35708.

\*Siting Evaluation, July 28–29, 1977, San Francisco, CA. Postponed to August

 San Francisco, Ch. Fostponed to August
 9, 1977, Washington, D.C.
 \*Security of Nuclear Facilities, July
 1977, Washington, D.C. (Current title
 of this Working Group is Physical Protection of Nuclear Facilities.) The Working Group will meet to discuss progress and needs related to design provisions for protection against sabotage and to other means of enhancing industrial security. Notice of this meeting was published in the FEDERAL REGISTER on July 14, 1977, page 36330.

\*Working Group No. 1 of the Reactor Safety Research Subcommittee, July 30-31, 1977, Idaho Falls, ID. Rescheduled from August 5-6, 1977. The Working Group will meet to review various research programs being conducted at the Idaho Nuclear Engineering Laboratory. Notice of this meeting was published in the Federal Register on July 14, 1977,

page 36329.

\*Atlantic Generating Station, August 2, 1977, Atlantic City, NJ. Postponed to August 31, 1977.

Diablo Canyon Nuclear Station, Units 1 and 2, August 2, 1977, Chicago, IL. The Subcommittee will meet to continue the review of the application of the Pacific Gas and Electric Company for a permit to operate this Station. Notice of this meeting was published in the FEDERAL REGISTER on July 18, 1977, page 36898.

\*Working Group No. 5 of the Reactor Safety Research Subcommittee, August

3, 1977, Washington, D.C. The Working Group will meet to review research needs and progress in the areas of fuel cycle development, health and environmental factors, and materials safeguards. No-tice of this meeting was published in the Federal Register on July 11, 1977, page 35708, and notice of the change of date appears elsewhere in this issue.

\*Working Group No. 6 of the Reactor Safety Research Subcommittee, August 4, Washington, D.C. The Working Group will meet with representatives of the NRC Staff regarding programs and plans for risk assessment research. Notice of this meeting was published in the Feb-ERAL REGISTER on July 18, 1977, page 36900 and notice of a change of time appears elsewhere in this issue.

\*Working Group No. 1 of the Reactor Safety Research Subcommittee, August 5-6, 1977, Idaho Falls, ID. Rescheduled to

July 30-31, 1977.

Shearon Harris Nuclear Power Plant, August 6, 1977, New Hill, N.C. The Sub-committee will meet to continue the review of the application of the Carolina Power and Light Company for a permit to construct the Shearon Harris Nuclear Power Plant. Notice of this meeting was published in the FEDERAL REGISTER on

July 18, 1977, page 36899.

Working Group No. 2 of the Reactor Safety Research Subcommittee, August 9, 1977, Washington, D.C. (Postponed from July 18, 1977. The Working Group will meet to review safety research pertaining to metallurgy and materials and fuel behavior in light water reactors. Notice of this meeting was published in the Federal Register on June 30, 1977, page 33388; on July 14, 1977, page 36329 (regarding the change of date); and a notice regarding the addition of fuel behavior to the agenda appears elsewhere in this issue.

\*Siting Evaluation, August 9, 1977, Washington, D.C. The Subcommittee will meet to discuss with representatives of the NRC Staff general nuclear facility siting considerations. Notice of this meeting appears elsewhere in this issue.

\*Regulatory Activities, August 10, 1977, Washington, D.C. The Subcommittee will meet to review working papers, future Regulatory Guides, and changes to existing Regulatory Guides; also, to discuss pertinent activities which affect the current licensing process and/or re-actor operations. Notice of this meeting appears elsewhere in this issue.

\*Vermont Yankee Nuclear Power Plant, August 16, 1977, Washington, D.C. The Subcommittee will meet to review operating experience and other matters pertinent to the Vermont Yankee Nu-

clear Power Plant.

Greene County Plant, August 18, 1977, Albany, NY. Postponed to September 21–22, 1977, Albany, NY.

\*Transportation of Radioactive Mate-

rials, August 23, 1977, New York, NY. The Working Group will be briefed on Sandia Laboratories' Interim Report, "Generic Environmental Assessment on Transportation of Radioactive Material Near and Through a Large, Densely Populated Area."

"Working Group No. 1 of the Reactor Safety Research Subcommittee, August

30, 1977, Washington, D.C. The Working Group will review various research programs related to Fire Protection Research, Qualification of Class 1-E Equipment, Human Engineering, Noise Diagnostics, and Inspection and Enforcement Support.

\*Atlantic Generating Station, August 31, 1977, Atlantic City, NJ. The Subcommittee will continue its review of this

project.

\*Regulatory Activities, September 7, 1977, Washington, D.C. The Subcommittee will review working papers, future Regulatory Guides, and changes to existing Regulatory Guides; also, it will discuss pertinent activities which affect the current licensing process and/or reactor operations.

\*Working Group No. 1 of the Reactor Safety Research Subcommittee, September 14-15, 1977, Oak Ridge, TN. The Working Group will meet to review various research programs being conducted at the Oak Ridge National Laboratory.

\*McGuire Nuclear Station, September 20, 1977, Washington, D.C. The Subcommittee will meet to continue its review of the application of the Duke Power Company for a license to operate McGuire Nuclear Station.

\*Greene County Nuclear Power Plant, September 21-22, 1977, Albany, N.Y. The Subcommittee will meet to review the application of the Power Authority of the State of New York for a permit to construct the Greene County Nuclear Power

\*Pilgrim Nuclear Station, Unit No. 2, September 22, 1977, Boston, MA. The Subcommittee will meet to begin its review of the application of the Boston Edison Company for a permit to construct Unit No. 2 of the Pilgrim Nuclear Station.

\*Floating Nuclear Plant, September 29, 1977, Denver, CO. The Subcommittee will meet to continue its review of the Floating Nuclear Plant design.

#### FULL ACRS MEETINGS

#### AUGUST 11-13, 1977

A. \*Babcock & Wilcox Standard Safety Analysis Report (BASAR-205)—Preliminary Design Approval.

B. \*Diablo Canyon Nuclear Power Station, Units 1 and 2—Operating License Review.

C. \*Shearon Harris Nuclear Power Plant-Construction Permit Review.

#### SEPTEMBER 8-10, 1977

Agenda to be announced.

Dated: July 22, 1977.

JOHN C. HOYLE. Advisory Committee Management Officer.

[FR Doc.77-21516 Filed 7-22-77;8:45 am]

#### OFFICE OF MANAGEMENT AND BUDGET

### CLEARANCE OF REPORTS

#### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public

received by the Office of Management and Budget on July 19, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be col-lected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to bo approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Manage-ment and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

#### NEW FORMS

#### UNITED STATES INTERNATIONAL TRADE COMMISSION

Summaries of Trade and Tariff Information Producers' Questionnaire, other (see SF-83), domestic manufacturers, Evinger, S.K., 395-3710.

#### DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Labor Standards Inspection Report, SCS-AS-26, weekly, construction workers, Gaylord Worden, 395-4730.

#### DEPARTMENT OF COMMERCE

Bureau of Census:

Survey of Manufacturer's Alternative Energy Capabilities: 1977, MA-400, single-time, manufacturers, Gaylord Worden, 395-4730.

Economic Development Administration: Minority Business Enterprise Utilization Report, ED-530, on occasion, State and Local Govt. and Indian Tribes, economics and general government division, Lowry, R. L., 395-3451.

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary, Income Survey Development Program—Site Research Forms, OS-8-77, single-time, individual and households in five urban areas, Sunderhauf, M. B., 395-6140.

#### REVISIONS

#### GENERAL SERVICES ADMINISTRATION

Report on Procurement, Civilian Executive Agencies, SF37, semi-annually, U.S. Government, Office of Federal Procurement Policy, 395–3436.

#### VETIEANS ADMINISTRATION

Statement in Support of Claim, 21-4138, on occasion, Veterans, Warren Topelius, 395-

#### GENERAL SERVICES ADMINISTRATION

Subcontracting Program Quarterly Report of Participating Large Company on Subcon-tract Commitments, OF-61, quarterly, of-ferors on government contracts, Office of Federal Procurement Policy, 395-3436.

#### EXTENSIONS

#### DEPARTMENT OF DEFENSE

Department of the Air Force, Course Enrollment and Career Development Program Enrollment or OCD Staff College and

Training Course, DCPA-435, on occasion, Federal/State/local officials - requesting DCPA training, Marsha Traynham, 395 4529.

PHILLIP D. LARSEN. Budget and Management Officer. [FR Doc.77-21457 Filed 7-22-77;8:45 am]

#### SECURITIES AND EXCHANGE COMMISSION

[Release No. 13756]

AMERICAN STOCK EXCHANGE

Order Approving Proposed Rule Change

JULY 15, 1977

In the matter of American Stock Exchange, 86 Trinity Place, New York, New York 10006 (SR-Amex-77-11).

On May 13, 1977, the American Stock Exchange ("Amex") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to delete the provision for fiveperson arbitration panels in arbitrations between a member and a non-member involving \$1,000 or more.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13569 (May 23, 1977)) and by publication in the Federal Register (42 FR 29977 (June

10, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b) (2) of the Act, that the proposed rule change filed with the Commission May 13, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

> GEORGE A. FITZSIMMONS, Secretary.

[FR Doc.77-21140 Filed 7-24-77:8:45 am]

IRelease No. 9852: 812-41321 DIVERSIFICATION FUND, INC., ET AL. Filing of Application for Exemption

In the matter of Diversification Fund. Inc., The Exchange Fund of Boston, Inc., Depositors Fund of Boston, Inc., Capital Exchange Fund, Inc., Fiduciary Exchange Fund, Inc., Second Fiduciary Exchange Fund, Inc., Leverage Fund of Boston, Inc., Vance, Sanders Special Fund, Inc., Vance, Sanders Common Stock Fund, Inc., Vance, Sanders Investors Fund, Inc., Vance, Sanders Income Fund, Inc., Vance, Sanders Municipal Bond Trust, Vance, Sanders Exchange Fund (a California limited partnership), Vance, Sanders & Company, Inc., One Beacon Street, Boston, Massachusetts, 02108, and, William M. Griffin C/O Hartford Fire Insurance Company, Hartford Plaza, Hartford, Connecticut 06115; (812-4132).

Notice is hereby given that Diversification Fund, Inc., The Exchange Fund of Boston, Inc., Depositors Fund of Boston, Inc., Capital Exchange Fund, Inc., Fiduciary Exchange Fund, Inc., Second Fiduciary Exchange Fund, Inc., Leverage Fund of Boston, Inc., Vance, Sanders Special Fund, Inc., Vance, Sanders Common Stock Fund, Inc., Vance, Sanders Investors Fund, Inc., Vance, Sanders Income Fund, Inc., Vance, Sanders Exchange Fund (A California Limited Partnership), and Vance, Sanders Municipal Bond Trust (collectively, "Funds"), each registered under the Investment Company Act of 1940 (the "Act") as a management investment company, Vance, Sanders and Company, Inc. ("Vance Sanders"), presently investment adviser to each of the Funds except Vance, Sanders Municipal Bond Trust, which proposes to employ Vance Sanders as investment adviser, and William M. Griffin ("Mr. Griffin", referred to with the Funds and Vance Sanders collectively as "Applicants"), filed an application on April 29, 1977, and amend-ments thereto on June 10, 1977, and June 24, 1977, for an order of the Commission pursuant to Section 6(c) of the Act exempting Mr. Griffin from the definition of "interested person" contained in Section 2(a) (19) of the Act to the effect that Mr. Griffin shall not be deemed to be an interested person of the Funds, their investment adviser or principal underwriter by reason of his status as: (1) a director, executive vice president and chairman of the finance committee of Hartford Fire Insurance Company ("Hartford Fire"); (2) a director and president of Hartford Securities Company, Inc. ("Hartford Securities"); (3) A director, vice president and chairman of the finance committee of Hartford Life Insurance Company ("Hartford Life"); or (4) A director, vice president and chairman of the finance committee of Hartford Variable Annuity Life Insurance Company ("Hartford Variable Annuity"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized

Applicants state that all of the Funds, except Leverage Fund of Boston, Inc., which is a closed-end investment company, are open-end investment companies; that Vance, Sanders Investors Fund, Inc., Vance, Sanders Common Stock Fund, Inc., Vance, Sanders Special Fund, Inc., and Vance, Sanders Income Fund, Inc., employ Vance Sanders as their principal underwriter; and that Vance, Sanders Municipal Bond Trust proposes to employ Vance Sanders as principal underwriter. According to the application, it is contemplated that Mr. Griffin will be nominated to be a director

of Vance, Sanders Investors Fund, Inc. at a special meeting scheduled to be held shortly and that it is contemplated that, at some future time, Mr. Griffin will be nominated to join the boards of directors, or to become a trustee or magaging general partner, of the other Funds.

Applicants state that Mr. Griffin's principal occupation is executive vice president, director and chairman of the finance committee of Hartford Fire, a property and liability insurer which is a 99 recent owned subsidiary of International Telephone and Telegraph Corporation and that he is also an officer and director of a number of subsidiary companies of Hartford Fire, including Hartford Securities, Hartford Life, Hartford Variable Annuity and Hartford Equity Sales Company, Inc. ("Hartford Equity Sales"). According to the application, Hartford Securities, a wholly-owned subsidiary of Hartford Fire, is registered with the Commission as a broker-dealer under the Securities Exchange Act of 1934 ("Exchange Act") solely to enable it to engage in securities transactions on behalf of Hartford Fire and its affiliates. Applicants state that Hartford Life is another wholly-owned subsidiary of Hartford Fire, and that Harford Variable Annuity is a wholly-owned subsidiary of Hartford Life. According to the application, Hartford Equity Sales, a wholly-owned subsidiary of Hartford Variable Annuity, is registered with the Commission as a broker-dealer under the Exchange Act solely to enable it to engage in the business of selling variable annuity contracts issued by Hartford Variable Annuity.

Section 2(a) (19) of the Act, generally, defines an "interested person" of (i) an investment company, (ii) any investment adviser of an investment company, and (iii) any principal underwriter for an investment company, to include, inter alia, any broker or dealer registered under the Exchange Act or any affiliated person of such broker or dealer. Section 2(a) (3) of the Act defines an "affiliated person" of another person to include, inter alia, any director, officer or employee of such other person.

Applicants state that Mr. Griffin, by reason of his positions as (1) a director, executive vice president and chairman of the finance committee of Hartford Fire; (2) president and director of Hartford Securities; (3) a director, vice president and chairman of the finance committee of Hartford Life; and (4) a director, vice president and chairman of the finance committee of Hartford Variable Annuity, would be considered to be an affiliated person of Hartford Securities and ressibly of Hartford Equity Sales, and thus

an interested person of the Funds, and of

any investment adviser or principal underwriter of the Funds.

Section 6(c) of the Act provides, in eart, that the Commission may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in

the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants submit that Mr. Griffin's relationships with Hartford Fire and its various subsidiary companies will not impair his independence in acting on behalf of any Funds or their shareholders. They state that Hartford Securities has never acted as broker-dealer or engaged in securities transactions for any client other than Hartford Fire and its affiliates, and does not intend to act as broker-dealer or engage in securities transactions for any person which is not an affiliate of Hartford Fire. Applicants state that Hartford Equity Sales' business relates solely to the marketing of variable annuity contracts issued by Hartford Variable Annuity and further state that (1) Hartford Securities and Hartford Equity Sales do not intend to sell securities to or purchase securities from any of the Funds, (2) the Funds will not purchase securities from or through, or sell securities to or through Hartford Securities or Hartford Equity Sales, and (3) this commitment by Applicants will not cause the Funds to lose the benefit of any investment opportu-

Applicants submit that Mr. Griffin is subject to no conflicts of interest as a result of his relationships with Hart-ford Fire and its subsidiary companies and that, in the opinion of the Funds. Mr. Griffin is a man of recognized experience, integrity and competence in the investment industry and in the area of financial institutions. Applicants therefore submit that it is in the public interest as well as in the interests of the Funds and their shareholders that Mr. Griffin be permitted to serve as a disinterested member of the respective boards of directors, trustees, or managing general partners of the Funds.

Notice is further given that any interested person may, not later than August 12, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof or such service (by affidavit or, in the case of an attorneyat-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter,

the public interest and consistent with including the date of the hearing (if submissions will be available for inspecordered) and any postponements thereof.

> For the Commission, by the Division of Investment Management, pursuant to delegated authority.

> > GEORGE A. FITZSIMMONS, Secretary.

[FR Doc.77-21141 Filed 7-24-77;8:45 am]

[Release No. 34-13757 File No. SR-MSE-77-181

#### MIDWEST STOCK EXCHANGE, INC. **Proposed Rule Change**

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b) (1), as amended by Pub. L. No. 94-29 (June 4, 1975), notice is hereby given that on May 31, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

MSE'S STATEMENT OF THE TERMS OF SUB-STANCE OF THE PROPOSED RULE CHANGE

The fee for a Regulation T extension filed with the Exchange by broker/ dealers will be increased from one dollar to two dollars.

In addition, the fee for a 15c3-3 Buy-In extension filed with the Exchange by broker/dealers will be increased from one dollar to two dollars.

#### MSE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to increase the fees for the above-mentioned services due to the increase of cost in processing the forms. This fee has not been increased for ten

The proposed rule change represents an equitable allocation of reasonable dues—the cost being the same for each delinquent customer.

Comments have neither been solicited nor received.

The Midwest Stock Exchange, Incorporated believes that no burdens have been placed on competition.

The foregoing rule change has become effective, pursuant to Section 19(b) (3) of the Securities Exhange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written

tion and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by August 24,

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

> GEORGE A. FITZSIMMONS, Secretary.

JULY 15, 1977.

[FR Doc.77-21145 Filed 7-24-77:8:45 am]

[Release No. 34-13747; File No. SR-PCC-77-1]

#### PACIFIC CLEARING CORP. **Proposed Rule Change**

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b) (1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on July 7, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Pacific Clearing Corporation ("PCC") hereby requests to amend its fee schedule to increase the physical delivery charge payable by its participants from one dollar (\$1.00) to one dollar fifty cents (\$1.50) per item. This increase constitutes the proposed rule change.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change, by changing the fees chargeable against participants for this transaction, reflects the increased expenses of the clearing agency and relates to the equitable allocation of

fees among its participants.
Comments on the proposed amendment have not been solicited, and none have been received.

The Pacific Clearing Corporation believes that the proposed rule change will not impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L. Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the abovementioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within twentyone days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

> George A. Fitzsinimons, Secretary.

JULY 13, 1977.

[FR Doc.77-21146 Filed 7-24-77;8:45 am]

[File No. 500-1]

#### SCOTTI COMMERCIAL CORP.

Suspension of Trading

JULY 15, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Scotti Commercial Corp. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:45 a.m., ed.t., on July 15, 1977 through July 24, 1977.

By the Commission.

George A. Fitzsimmons, Secretary.

[FR Doc.77-21142 Filed, 7-24-77;8:45 am]

[File No. 500-1]

#### VERCO ENERGY CORP.

Suspension of Trading

JULY 15, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Verco Energy Corp. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:45 a.m., ed.t, on July 15, 1977 through July 24, 1977.

By the Commission.

George A. Fitzsimmons, Secretary.

[FR Doc.77-21144 Filed 7-24-77;8:45 am]

[File No. CCO-1]

WESTERN UNITED RESOURCES, INC.

Suspension of Trading

JULY 15, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Western United Resources, Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:45 a.m., ed.t., on July 15, 1977 through July 24, 1977.

By the Commission.

George A. Fitzshimons, Secretary.

[FR Dcc.77-21143 Flied.7-24-77;8:45 am]

### SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0207]

#### PRODUCERS INVESTMENT CORPORATION

Notice of Application for a License as a Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (SBIC's) (13 C.F.R. Section 107.102 (1977)), under the name of Producers Investment Corporation, 1901 Avenue of the Stars, Suite 1750, Los Angeles, California 90067, for a license to operate in the State of California as an SBIC under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors and principal shareholder are:

Mimi Harris, Chairman of the Board, President, 100 percent, 1923 Coldwater Canyon Drive, Beverly Hills, California 80210.

Charles Pati, Exec. Vice President, Treacurer, Director, 10540 Wilshire Boulevard, Los Angeles, California 90024.

Thomas J. Ellsworth, Secretary, Director, 1130 Palomar, San Marino, California 91108.

The company will begin operations with an initial capitalization of \$500,000. No concentration in any particular industry is planned. The applicant intends to make investments in small business concerns with growth potential, located primarily within the State of California.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owner and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any interested person may submit to SBA, in writing, relevant comments on the proposed company, on or before August 9, 1977. Any communication should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Los Angeles, California.

(Catalog of Federal Domostic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: July 15, 1977.

PETER P. McNeish,

Deputy Associate Administrator
for Investment,

IFR Doc.77-21252 Filed 7-22-77;8:45 am]

#### DEPARTMENT OF STATE

[Public Notice CM-7/94]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on international multimodal transport and containers of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting from 9:30 a.m. to 5 p.m. on Wednesday, August 31, 1977, in Room 8334 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of the meeting is to discuss matters germane to multimodal transport and containers. The following specific issues will be addressed in the order indicated:

Discussion of U.S. position for meeting of Group of Rapporteurs on Container Transpert (GRCT) (ECE), September 12-15, 1977, in Genera;

Debriefing of the meeting of the IMCO Subcommittee on Containers and Cargoes held in London, July 11-15, 1977;

Status of congressional action regarding the implementation of the IMCO International Convention on Safe Containers (CSG);

Status of USG action on the implementation of the ECE Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP).

Necessary documents will be distributed as early as possible.

Any questions concerning this meeting should be directed to either Mr. M. H. Allen, United States Coast Guard (202-426-1577) or Mr. Richard E. Johe, Department of State (202-632-1313).

Comments from the public will be welcomed.

Carl Taylor, Jr., Acting Director, Office of Maritime Affairs.

JULY 18, 1977.

[FR Doc.77-21282 Filed 7-22-77;8:45 am]

#### Agency for International Development MISSION DIRECTOR, USAID/EGYPT

### Amendment to Redelegation of Authority No. 162-4

Pursuant to the authority delegated to me by A.I.D. Delegation of Authority No. 38, dated June 3, 1977 (42 FR 31511) with respect to Grant Agreements, it is hereby ordered as follows:

1. Redelegation of Authority No. 162-4, dated October 20, 1976, is amended by deleting in paragraph 3.(e) the words "and under such grant agreements which are for Capital Projects" and substituting therefor the words "or grant agreements".

2. Redelegation of Authority No. 99.1.83 dated January 26, 1977 (42 FR 8037) is amended by deleting in paragraph (1) the words "and AID grant-financed host country contracts for technical assistance".

This Amendment is effective immediately.

Dated: July 12, 1977.

ALFRED D. WHITE, Acting Assistant Administrator, Bureau for Near East.

[FR Doc.77-21253 Filed 7-22-77;8:45 am]

### DEPARTMENT OF TRANSPORTATION

Coast Guard [CGD 77-132]

### EQUIPMENT, CONSTRUCTION, AND MATERIALS

#### **Approval Notice**

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from April 26, 1977 to May 18, 1977 (List No. 8-77). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE), FOR MERCHANT VESSELS

Approval No. 160.017/50/0, Type I, embarkation-debarkation 40 feet or less ladder, rope suspension, wooden ears, spreaders and rungs identified by COMAR dwg. No. 100X dated May 10, 1977, manufactured by Coast Marine and Industrial Supply, Inc., 398 Jefferson Street, San Francisco, California 94133, effective May 13, 1977.

SIGNALS, DISTRESS, HAND RED FLARE, FOR MERCHANT VESSELS

Approval No. 160.021/12/1, Jupiter hand red flare distress signal, manufactured by Smith & Wesson Chemical Company, Inc., general arrangement dwg. No. 6-0150-B, revision B dated December 23, 1971; parts and materials list No. 6-0150-B dated December 23, 1971, revision B, label dwg. No. 6-0152-A dated December 1, 1969, revision B is a change in handle design and striker, manufactured by Smith & Wesson Chemical Company, Inc., P.O. Box 208, 2399 Forman Road, Rock Creek, Ohio 44084, effective May 9, 1977. (It is an extension of Approval No. 160.021/12/1 dated June 9, 1972.)

#### LIFEBOATS

Approval No. 160.035/211/5, 22.0' x 7.5' x 3.17' steel, oar-propelled lifeboat, 30-person capacity, identified by general arrangement dwg. No. 22-2 Rev. D dated May 9, 1972, approved for 31-person capacity as a replacement in kind for an existing lifeboat requiring 31-person capacity, 46 CFR 160.035-13(c) Marking, Weights: Condition "A"=2,345 pounds; Condition "B"=8,060 pounds, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective May 9, 1977. (It is an extension of Approval No. 160.035/211/5 dated July 31, 1972.)

Approval No. 160.035/214/5, 20.0′ x 6.5′ x 2.67′ aluminum, oar-propelled lifeboat, 18-person capacity identified by construction and arrangement dwg. No. 20-2 Alt. G dated May 12, 1972, approved for 20-person capacity as a replacement in kind for an existing lifeboat requiring 20-person capacity, 46 CFR 160.035-13 (c) Marking, Weights: Condition "A"=980 pounds; Condition "B"=4,542 pounds, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective May 9, 1977. (It is an extension of Approval No. 160.035/214/5 dated July 28/ 1972.)

Approval No. 160.035/258/4, 20.0' x 6.5' x 2.67' steel, oar-propelled lifeboat, 18-person\* capacity, identified by construction and arrangement dwg. No. 20-3, Rev. F dated July 31, 1972, 46 CFR 160.035-13(c) Marking, Weights: Condition "A"=1,725 pounds; Condition "B"=5,278 pounds, if mechanical disengaging

apparatus is fitted, it shall be of an approved type and installed in accordance with drawings approved by the Commandant, \*approved for 10-person capacity as a replacement in kind for an existing lifeboat requiring 20-person capacity, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective May 9, 1977. (It is an extension of Approval No. 160.035/258/4 dated July 31, 1972.)

#### MARINE BUOYANT DEVICE

Approval No. 160.064/12/0, 18-inch unicellular plastic foam ring buoy, model KS-18, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-12, Type IV PFD, manufactured by Carlon Rubber Products Company, 1 New Haven Avenue, Derby, Connecticut 06418, effective May 4, 1977. (It reinstates and supersedes Approval No. 160.064/12/0 terminated March 7, 1977.)

Approval No. 160.064/76/0, Model Nos. 920 and 1020, cloth covered foam "Horseshoe Buoy", manufactured in accordance with U.S.C.G. Specification Subpart 160.-064 and UL/MD report file No. MQ 10, Type IV PFD, manufactured by Cal-June Corporation, P.O. Box 9551, North Hollywood, California 91606, effective May 18, 1977. (It is an extension of Approval No. 160.064/76/0 dated May 25, 1972 and addition of Model No.)

Approval No. 160.064/185/0, 19-inch, Model No. G-19, vinyl dipped foam "Ring Life Buoy", manufactured in accordance with U.S.C.G. Specification Subpart 160.-064 and UL/MD report file No. MQ 10, Type IV PFD, manufactured by Cal-June Corporation, P.O. Box 9551, North Hollywood, California 91606, effective May 18, 1977. (It is an extension of Approval No. 160.064/185/0 dated May 25, 1972 and change of Model No.)

Approval No. 160.064/228/0, Pony Size, Model Nos. 940 and 1040, cloth covered foam, "Horseshoe Buoy", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 10, Type IV PFD, manufactured by Cal-June Corporation, P.O. Box 9551, North Hollywood, California 91606, effective May 18, 1977. (It is an extension of Approval No. 160.064/228/0 dated May 25, 1972 and addition of Model No.)

#### SOUND-POWERED TELEPHONE STATION

Approval No. 161.005/68/0, sound-powered telephone station, selective ringing, common talking, 11 stations maximum, panel board or console type, dwg. No. 128-01 dated March 25, 1963, for Model SFR flush mounting; Model SFR flush mounting with a relay; Model SFLR flush mounting with a light and relay, for use in locations not exposed to the weather, manufactured by Hose-McCann Telephone Company, Inc., 524 W. 23rd Street, New York, New York 10011, effective May 12, 1977. (It is an extension of Approval No. 161.005/68/0 dated June 20, 1972.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/231/1, Style HC-55-MS and HC-55W-MS carbon steel

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body pop safety valve, nozzle type, exposed spring fitted with spring cover, 1200 p.s.i primary service pressure rating, 675' F maximum temperature, dwg. No. HV-44-MS, revised February 23, 1977, approved for sizes 1½", 2", 2½", and 3" with flanged inlet (HC) or welding end inlet (HC-W), manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective April 28, 1977. (It is an extension of Approval No. 162.001/231/1 dated May 9, 1972.)

Approval No. 162.001/232/1, Style HC-56-MS and HC-56W-MS carbon steel body pop safety valve, nozzle type, exposed spring fitted with spring cover, 1200 p.s.i. primary service pressure rating 750° F maximum temperature, dwg. No. HV-44-MS, revised February 23, 1977, approved for sizes 1½", 2", 2½", and 3" with flanged inlet (HC) or welding end inlet (HC-W), manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective April 28, 1977. (It is an extension of Approval No. 162.001/232/1 dated May 9, 1972.)

Approval No. 162.001/237/1, Style HCA-57-MS and HCA-57W-MS alloy steel body pop safety valve, nozzle type, exposed spring fitted with spring cover, 1200 p.s.i. primary service pressure rating, 900° F maximum temperature with standard inlet flange and welded inlet flange; 1050 p.s.i. primary service pressure rating, 900° F maximum temperature with optional inlet flange, dwg. No. HV-47-MS, revised February 23, 1977, approved for sizes 1½", 2", 2½, and 3", manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective April 28, 1977. (It is an extension of Approval No. 162.001/237/1 dated May 9, 1972.)

237/1 dated May 9, 1972.)
Approval No. 162.001/238/1, Style HCA-58-MS and HCA-58W-MS alloy steel body pop safety valve, nozzle type, exposed spring fitted with spring cover, 995 p.s.i. rating, 1,050° F maximum temperature with standard inlet flange, 595 p.s.l. rating, 1,050° F maximum temperature with optional inlet flange, 1,200 p.s.l. rating, 1,050° F maximum temperature with welded inlet flange, dwg. No. HV-47-MS, revised February 23, 1977, 1½", 2", 2½", and 3" sizes, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective April 28, 1977. (It is an extension of Approval No. 162.001/238/1 dated May 9, 1972.)

Approval No. 162.001/241/2, Style HS-MS-35 carbon steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 800 p.s.i. primary service pressure rating, 650° F maximum temperature, dwg. No. HV-35-MS revised February 23, 1977, approved for sizes 1½", 2", 2½", 3", and 4", revised spring cover construction from cast malleable iron to perforated sheet steel, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective April 28, 1977. (It supersedes Approval No. 162.001/241/1 dated May 23, 1972 to show modified spring cover construction.)

Approval No. 162.001/242/2, Style HS—MS-36 carbon steel body pop safety valve, flanged nozzle type, exposed spring filted with spring cover, 800 p.s.l. primary service pressure rating, 750° F maximum temperature, dwg. No. HV-35-MS revised February 23, 1977, approved for sizes 1½", 2", 2½", 3", and 4", revised spring cover construction from cast malleable iron to perforated sheet steel, manufactured by Crosby Valve and Gage Company. Wrentham, Massachusetts 02093, effective April 28, 1977. (It supersedes Approval No. 162.001/242/1 dated May 23, 1972 to show modified spring cover construction.)

Approval No. 162.001/243/2, Style HSA-MS-37 alloy steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 700 p.s.i. primary service pressure rating, 900° F maximum temperature with standard inlet flange; 800 p.s.i. primary service pressure rating, 900° F maximum temperature with optional inlet flange, dwg. No. HV-36-16S revised February 23, 1977, approved for sizes 1½", 2", 2½", 3", and 4", revised spring cover construction from cast malleable iron to perforated sheet steel, deleted spindle collar, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective April 28, 1977. (It supersedes Approval No. 162.001/243/1 dated May 23, 1972 to show modified spring cover construction.)

Approval No. 162.001/244/2, Style HSA-MS-38 alloy steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 465 p.s.i. primary service pressure rating, 1,020° F maximum temperature with standard inlet flange, approved for sizes 1½", 2", 2½", 3", and 4"; 775 p.s.i. primary service pressure rating 1,020° F maximum temperature with optional inlent flange, approved for sizes 1½", 2", and 2½"; 800 p.s.i. primary service pressure rating, 1,020° F maximum temperature with optional inlet flange, approved for sizes 3" and 4"; dwg. No. HV-36-MS revised February 23, 1977, revised cover construction from cast malleable iron to perforated sheet steel, deleted spindle collar, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective April 28, 1977. (It supersedes Approval No. 162.001/244/1 dated May 23, 1972 to show modified spring cover construction.)

Approval No. 162.001/245/2, Style HS—MS-25 carbon steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 600 p.s.i. primary service pressure rating, 650° F maximum temperature, dwg. No. HV-37-MS revised February 22, 1977, approved for sizes 1½", 2", 2½", 3", and 4", revised spring cover construction from cast malleable iron to perforated sheet steel, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective April 28, 1977. (It supersedes Approval No. 162.001/245/1 dated May 23, 1972 to show modified spring cover construction.)

Approval No. 162.001/246/2, Style HS-MS-26 carbon steel body pop safety valve, flanged nozzle type, exposed spring

fitted with spring cover, 600 p.s.i. primary service pressure rating, 750° F maximum temperature with standard inlet flange; 425 p.s.i. primary service pressure rating, 750° F maximum temperature with optional inlet flange, dwg. No. HV-37-MS revised February 22, 1977, approved for sizes 1½", 2", 2½", 3" and 4", revised spring cover construction from cast malleable iron to perforated sheet steel, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective April 28, 1977. (It supersedes Approval No. 162.7001/246/1 dated May 23, 1972 to show modified spring cover construction.)

Approval No. 162.001/247/2, Style HSA-MS-27 alloy steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 600 ps.i. primary service pressure rating, 900° F maximum temperature with standard inlet flange; 350 ps.i primary service pressure rating, 900° F maximum temperature with optional inlet flange, dwg. No. HV-38-MS revised February 23, 1977, approved for sizes 1½", 2", 3", and 4", revised sping cover construction from cast malleable iron to perforated sheet steel, deleted spindle collar, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective April 28, 1977. (It supersedes Approval No. 162-001/247/1 dated May 23, 1972 to show modified spring cover construction.)

Approval No. 162.001/288/0, 2500 Serles, Types 258\*( )AM and 259\*( )AM, carbon steel body (ASTM A216 Gr WCB) pop safety valve, 650° F maximum temperature, inlet and outlet sizes per dwg. No. 16067, Rev. A, dated January 7, 1972, maximum set pressure as follows:

\*-type designation indicating corresponding pressure rating (p.s.i.g.);
5=300, 6=600, 7=800, 8=900, 9=1500, manufactured by Teledyne Farris Engineering, Palisades Park, New Jersey 07650, effective April 26, 1977. (It is an extension of Approval No. 162.001/288/0 dated April 26, 1972.)

Approval No. 162.001/289/0, 2500 Series, Types 258\*( ) BM and 259\*( ) BM, carbon steel body (ASTM A216 Gr WCB) pop safety valve, 750° F maximum temperature, inlet and outlet sizes per dwg. No. 16067, Rev. A, dated January 7, 1972, maximum pressures as follows: \*-type designation indicating corresponding pressure rating (p.s.i.g.); 5=300, 6=600, 7=800, 8=900, 9=1500, manufactured by Teledyne Farris Engineering, Palisades Park, New Jersey 07650, effective April 26, 1977. (It is an extension of Approval No. 162.001/289/0 dated April 26, 1972.)

Approval No. 162.001/290/0, 2500 Series, Types 258\*() CM and 259°() CM, alloy steel body (ASTM A217 Gr C5) pop safety valve, 900° F maximum temperature, inlet and outlet sizes per dwg. No. 16067, Rev. A, dated January 7, 1972, maximum set pressures as follows: \*-type designation indicating corresponding pressure rating (p.s.i.g.); 5=300, 6=600, 7=700, 8=900, 9=1500, manufactured by Teledyne Farris Engineering, Palisades Park, New Jersey

07650, effective April 26, 1977. (It is an extension of Approval No. 162:001/290/0 dated April 26, 1972.)

Approval No. 162.001/291/0, 2500 Series, Types 258\*() CM and 259\*() CM, alloy steel body (ASTM A217 Gr C5) pop safety valve, 1,000° F maximum temperature, inlet and outlet sizes per dwg. No. 16067, Rev. A, dated January 7, 1972, maximum set pressure as follows: \*-type designation indicating corresponding pressure rating (p.s.i.g.); 5=250, 6=500, 7=500, 8=750, 9=1250, manufactured by Teledyne Farris Engineering, Palisades Park, New Jersey 07650, effective April 26, 1977. (It is an extension of Approval No. 162.001/291/0 dated April 26, 1972.)

#### SAFETY VALVES (STEAM HEATING BOILERS)

Approval No. 162.012/8/0, Fig 629 pop safety valve, bronze body, for steam heating boilers and unfired steam generators dwg. No. S4785, dated February 27, 1952, approved for a maximum pressure of 30 p.s.i. in the following sizes:

Capacity (pounds per hour)

| Size (inches) | At 15 lb/int | At 30 lb/in²      |
|---------------|--------------|-------------------|
| 34            | .93          | 148<br>246        |
| 114           | 163<br>204   | 246<br>307<br>443 |
| 1/2           | 294<br>457   | 443<br>689        |
| 21/2          | 653          | 983               |
| 3             | 930          | 1, 475            |

manufactured by The Lunkenheimer Company, P.O. Box 360, Annex Station, Cincinnati, Ohio 45214, effective April 26, 1977. (It is an extension of Approval No. 162.012/8/0 dated March 2, 1972.)

#### FLAME ARRESTERS FOR TANK VESSELS

Approval No. 162.016/35/0, Figure No. 53 BS, VAREC flame arrester, cast steel body, stainless steel multiple plate bank, horizontal type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C-749, Revision C, dated November 13, 1964, approved for 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Division Emerson Electric Company, 301 E. Alondra Boulevard, Gardena, Calif. 90247, effective May 5, 1977.

Approval No. 162.016/36/0, Figure No. 53 SS, VAREC flame arrester, stainless steel body, stainless steel multiple plate bank, horizontal type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C-749, Revision C, dated November 13, 1964, approved for 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Division Emerson Electric Company, 301 E. Alondra Boulevard, Gardena, California 90247, effective May 5, 1977.

#### PRESSURE VACUUM RELIEF VALVES FOR TANK VESSELS

Approval No. 162.017/67/4, Figure No. 130 pressure vacuum relief valve, enclosed

pattern, weight loaded poppets, bronze, nickel, cast iron or corrosion-resistant alloy steel body, dwg. No. 130-A, Rev. 7 dated February 15, 1963, approved for sizes 3", 4", 5", 6", 8", and 10", manufactured by Mechanical Marine Division, Hayward Manufacturing Company, Inc., 900 Fairmount Avenue, Elizabeth, New Jersey 07207, formerly Mechanical Marine Company, Inc., effective April 26, 1977. (It is an extension of Approval No. 162.017/67/4 dated April 28, 1972 and change of name of manufacturer.)

Dated: July 18, 1977.

H. G. Lyons, Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.77-21322 Filed 7-22-77;8:45 am]

#### **Federal Aviation Administration**

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA) SPECIAL COM-MITTEE 132—AIRBORNE AUDIO SYS-TEMS AND EQUIPMENT

#### Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the RTCA Special Committee 132 on Airborne Audio Systems and Equipment to be held August 16, 17, 18, 1977, RTCA Conference Room 261, 1717 H Street NW., Washington, D.C. commencing at 9:30 a.m. Agenda for this meeting is as follows: (1) Chairman's Comments; (2) Approval of Minutes of Second Meeting held April 27-28, 1977; (3) Consideration of Revised Drafts of RTCA Documents DO-78A "Minimum Performance Standards-Aircraft Audio and Interphone Amplifiers", DO-85 "Audio Response of Air-Ground Communication Systems", DO-90 "Minimum Performance Standards-Aircraft Headsets and Speakers" and DO-91 "Minimum Performance Standards-Aircraft Microphones" and, (4) Assignment of Tasks.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Person wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street NW., Washington, D.C. 20006; 202–296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on July 18, 1977.

Karl F. Bierach, Designated Officer.

[FR Doc.77-21037 Filed 7-22-77;8:45 am]

#### Federal Highway Administration IFHWA Docket No. 77-81

IN THE MATTER OF BRIDGES OWNED BY THE DELAWARE RIVER PORT AUTHORITY

Notice of Response to Proposed Order

AGENCY: Federal Highway Administration, DOT.

ACTION: Notice of Response to Proposed Order.

SUMMARY: On May 23, 1977, a proposed order to establish a time limit during which the Administrator's toll order will be in effect was published in the FEDERAL REGISTER. Public comment was invited at that time with June 22 being established as the last date for comment. It was further noted that the failure to comment within the time period would be a waiver of any right to object or appeal the proposed order should it be entered as final. No comments were received within the prescribed period. One comment was received on June 27, 1977, 5 days after the last date for filing comment. That comment, which was submitted by Robert Weinberg, Director, Motorists for Lower Tolls, requested the opportunity to be heard in opposition to a revision of the current bridge tolls. FOR FURTHER INFORMATION CON-TACT:

Gerald M. Tierney, Office of the Chief Counsel (202-426-0346), Federal Highway Administration. Office hours are 7:45 to 4:15 ET, Monday-Friday.

DISCUSSION: Although it is technically unnecessary to address the comments by the Motorists for Lower Tolls because they were not filed within the prescribed period, the following paragraphs do address the concerns expressed in those comments.

The comments imply that the Federal Highway Administration should have personally informed all parties of record to the administrative proceedings of the intention of entering a proposed order. Such a course of action was not necessary, however, because the proposed order was suggested in settlement of the case entitled "Delaware River Port Authority v. Tiemann." U.S. Court of Appeals for the Third Circut, 77-1047, and was in conformance with the latest revision of the bridge toll procedural regulations which requires a time limit be placed on all Administrator's orders. 42 FR 2964 (Jan. 14, 1977). All parties to the court proceeding were aware of the proposed order and counsel for the Delaware River Port Authority sent a letter to other individuals and organizations which he felt would be interested. A copy of that letter was sent to the Motorists for Lower Tolls. These notices, in addition to the FEDERAL REGISTER notice, were adequate to inform all interested persons of the proposed order.

NOTICES 37893

Substantively, the Motorists for Lower Tolls requested the opportunity to be heard in opposition to any revision of the bridge tolls. The proposed order does not affect the rate of tolls being charged on the bridges, and therefore, it is unnecessary to grant such a request. If, however, upon the expiration of the toll order on November 30, 1977, the Delaware River Port Authority were to raise its tolls, the Motorists for Lower Tolls would be entitled to file a complaint and request a hearing under the procedures established in the toll bridge procedural rules. 49 CFR Part 310.

FINAL ORDER: The public having received notice and the opportunity to comment, the proposed order will be entered as a final order of the Federal Highway Administrator in this proceeding upon the entry of an order by the U.S. Court of Appeals for the Third Circuit dismissing the appeal of the Delaware River Port Authority, case number 77–1047, "Delaware River Port Authority v. Tiemann." The following is the Order in this case:

ORDER IN THE MATTER OF BRIDGES OWNED BY THE DELAWARE RIVER PORT AUTHORITY

The Administrator's Toll Order of May 19, 1975, is amended to establish a time period during which the Order shall be in effect. The Order shall be in effect for 2 years to be measured from the date the Order setting the tolls originally went into effect, December 1, 1975.

Issued this 15th day of July 1977, in Washington, D.C.

(33 U.S.C. § 526, 49 CFR Part 310)

WILLIAM M. Cox,
Administrator,
Federal Highway Administration.
[FR Doc.77-21393 Filed 7-22-77;8:45 am]

## Federal Railroad Administration PETITIONS FOR WAIVER OF REAR END MARKING DEVICES RULES

As required by 45 U.S.C. 431(c), notice is hereby given that three railroads have submitted waiver petitions to the Federal Railroad Administration (FRA) requesting permanent waiver of compliance with certain provisions of 49 CFR Part 221, Rear End Marking Devices—Passenger, Commuter and Freight Trains. This regulation was recently adopted by FRA and was published in the January 11, 1977 issue of the Federal Register (42 FR 2321).

This safety regulation became effective on February 15, 1977 and mandatory compliance with its provisions becomes effective on January 1, 1978. The regulation in essence requires that a railroad place highly visible marking devices on the last car of each train it operates.

Each of the railroads seeking a waiver is identified below. A brief description of the circumstances involved in each of the waiver requests has been provided. Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on these petitions since the facts do not appear to warrant it. An opportunity for oral comment will be provided, however, if requested by an interested person before August 3, 1977.

All communications concerning these petitions must identify the appropriate docket number (e.g. FRA Waiver Petition No. RSRM-77-1) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before August 31, 1977 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. Detailed information concerning each petition is on file with the Docket Clerk. Any comments received will also be on file. This material is available for examination by the public during regular business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C.

#### Union Railroad Co., FRA Waiver Petition Docket No. RSRM-1

The Union Railroad Company of East Pittsburgh, Pa. (Union) seeks a permanent waiver of compliance with the light intensity and horizontal and vertical beam width requirements for rear end marking devices contained in section 221.51(a) (1) so that it may continue to use flashing devices that comply with the requirements of the Pennsylvania Public Utilities Commission and comply with the other requirements of 221.15 pertaining to color and flashing rate. Rule 20, Paragraph B, Subtopio 15 issued by the Pennsylvania Public Utilities Commission reads as follows:

Each cabin car in use shall be equipped with electric marker lights (either flashing or constant burning of such intensity and be equipped with proper lens so as to be visible at a distance of 3,000 feet under normal atmospheric conditions.

In support of its petition, Union contends that because of an extensive automatic block and interlocking system, low speed operations, operating rules that provide special instructions for back-up movements, and its safety record with respect to rear-end collisions since 1967, compliance with section 221.15(a) (1) would have no safety benefit. Moreover, the initial cost of compliance would be between \$60,000 and \$80,000 and would cost \$40,000 annually thereafter because Union operates at very low speeds for relatively short distances and cannot, therefore, use axle driven generator sets to power lighted rear end marking devices on its 41 cabooses.

VERMONT RAILWAY INC., FRA WAIVER PETITION DOCKET NO. RSRM-2

The Vermont Railway, Inc. (Vermont), seeks a permanent waiver of compliance

with all the requirements of Part 221—Rear End Marking Devices—Passenger, Commuter and Freight Trains. As justification for the requested waiver, Vermont indicates that it operates only two trains simultaneously for a period of three to six hours each day and that those trains have positive distance separation since one operates south of Rutland and the other operates north of Rutland. Vermont also states that in its 13 years of operation, it has never had a train collision.

Norfolk and Western Railway Co. FRA Waiver Petition Docket No. 77–3

The Norfolk and Western Railway Company (N&W) seeks a permanent waiver of compliance with the 1,000 candela maximum effective intensity for flashing rear end marking devices prescribed in section 225.15(a) with respect to its Chicago commuter trains only.

These trains are now equipped with a Xenon flasher that has a peak candle-power of 3.6 million. N&W states that since this is a flashing device, it would not tend to blind other train crews and that the high visibility it provides makes it a suitable rear end marking device.

(AUTHORITY: Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431, as amended by Sec. 5(b) of the Federal Railroad Safety Authorization Act of 1976, Pub. L. 94-348, 90 Stat. 817, July 8, 1976; § 1.49(n) of the regulations of the Office of the Secretary, 49 CFR 1.49(n).)

Issued in Washington, D.C., on July 15,

Donald W. Bennett, Chairman, Railroad Safety Board.

[FR Doc.77-21231 Filed 7-22-77;8:45 am]

### Materials Transportation Bureau OFFICE OF HAZARDOUS MATERIALS OPERATIONS

Hazardous Materials Regulations Exemption; Grants and Denials of Applications AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Grants and Denials of Applications for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted June 1977. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

#### **NOTICES**

#### Renewals

| Applica-<br>tion No. | Exemption No.            | Applicant  | Regulation(s) affected  | Nature of exemption thereof  |
|----------------------|--------------------------|--|---|--|
| 2587-P               | DOT-E 2587               | horough Mass and The Great Plains  |   | To become a party to exemption 2587 (see application 2587-X). (Mode 1.)  |
| 3600-X               | DOT-E 3630               | Co., Cheyenne, Wyo.  Allied Chemical Corp., Morristown,  N.J. and Mallinekrodt, Inc., St.  | 49 CFR 177.839 (a), (b)   | . To ship nitric acid in DOT specification 33A polystyrene cases. (Mode 1.)  |
| 3879-X               | DOT-E 3879               | Louis, Mo.<br>Air Products & Chemicals, Inc., Allen-<br>town, Pa. and L & V Industrial Sup-  | 49 CFR 173.316(a)(2)  | To ship liquefied hydrogen in Lindo LSU-150 containers, constructed in compliance with DOT specification 41,200 except for lighter gage stee inside container. (Mode 1.)   |
| 4242-X               | DOT-E 4242               | U.S. Department of Defense, Washing-   | 49 CFR 173.87, 173.134  | . TO SDID BURDINUM ARVI IN SOCIARY GESIEREG RON-DOT AMBRITAND BEF  |
| 4309-X               | DOT-E 4399               | ton 13 C   |   | sure vessel. (Mode 1.) To ship liquefled methane in a non-DOT specification cargo tank designed and constructed in accordance with sec. VIII of the ASME Code  |
| 1517-X               | DOT-E 4547               | U.S. Department of Defense, Washington, D.C.   | 49 CFR 173.302(a)   | (Mode I.)  To ship certain nonflammable cases in a hydraulic accumulator pre-<br>charged with helium and equipped with an electric squib. (Mode:<br>1 and 2.)  |
| 1731-X               | DOT-E 4734               | General Electric Co., Waterlord, N.Y.  |   | To ship certain flammable liquids and corresive materials in a 190's   |
| 4763-P               | DOT-E 4763               | Milport Chemical Co., Milwaukee, Wis.;<br>Hydrite Chemical Co., Milwaukee,<br>Wis.; Axton Cross Co., Holliston,<br>Mass.; Chemical Products, Inc., Tulsa,<br>Okla.; Griffith Laboratorics, Alsip,<br>Ill.; Allied Chemical Corp., Morris-<br>town, N.J.; and Worth Chemical<br>Corp., Greensbare, N.C. | 49 CFR 173.234(a)(2)  | specification MC-331 cargo tank with certain exceptions, (Mode I.) To become a party to exemption 1763 (see application No. 1763 X1 (Modes I and 2.)  To sluip certain nonflammable compressed gased in non-DOT specification foreign-made steel cylinders. (Mode I.)  |
| 4811-X               | DOT E 4814               | Bristol Aerojei, Ltd., Aven, England   | . 49 CFR - 173.301(i); 173.302,   | To ship certain nonflammable compressed gases in non-DOT specification for former made clock collectors. (Mode 1)  |
| 5613-X               | DOT-E 5643               | do   | 173.304.<br>19 CFR 172.101, 173.315(a)(1)_                              | To ship liquefied belium is an insulated non-DOT specification portable  |
| 5702-P               | DOT-E 5792               | Chemplex Co., Rolling Meadows, Ill   | 49 CFR 172.101, 173.314(e)  | tank. (Modes 1 and 3.)  To become a party to exemption 5702 (see application No. 5702 X)   |
| 6039-P               | DOT-E 6039               | Northern Petrochemical Co., Des  | 49 CFR 172.101, 173.315(a)  | (Mode 2.)  To become a party to exemption 6039 (see application No. 6039-X)  |
| 6215-X               | 1)OT-E 6215              | Plaines, III.  E. L. du Pont de Nemours & Co., Inc., Wilmington, Del.  | 49 CFR 172.101, 173.215(a)  | (Mode 1.)  To ship liquefied hydrogen chloride in a non-DOT specification care tank designed and constructed in accordance with sec. VIII of the ASME Code. (Mode 1.)  |
| 6348-P               | DOT-E 6348               | Pennwalt Corp., Philadelphia, Pa   | 49 CFR 173.217, 172.101   |  |
| 6181-X               | DOT-E 6484               | IMC Chemical Group, Inc., Terre  | 49 CFR 173.149(a)   | To become a party to exemption 6315 (see application No. 6315-X) (Modes 1 and 2.)  To ship nitromethane mixtures in DOT specification MC 307 or MC 31 tank motor vehicles. (Mode 1.)  To ship certain Class B poison in electrolytic tin plated sheet steel can packed in DOT 12B30 liberboard boxes. (Mode 1.)  To ship nonflammable compressed gases in a non-DOT specification non refillable steel inside cylinder. (Modes 1, 2, 4, and 5.)  To become a party to exemption 6313 (see application No. 6313-X). (Mode 1, 2, and 4.)   |
| 6004~X               | DOT-E 6501               | Chevron Chemical Co., San Francisco,   | 49 CFR 173.353(a) (2)   | To ship certain Class B polson in electrolytic tin plated sheet steel can  |
| 6531-X               | DOT-E 6531               | Tavco, Inc., Chatsworth, Calif   | 49 CFR 173.302(a)(1), 175.3   | To ship nonflammable compressed gases in a non-DOT specification non   |
| 6513 P               | DOT-E 6543               | M&T Chemicals, San Franciso, Calif   | 49 CFR 173,315, 173,247, 173  | To become a party to exemption 6313 (see application No. 6513-X). (Mode  |
| 6581-X               | DOT-E 6584               | Greif Brothers Corp., Union, N.J   | 136(a)(5), 175.3.<br>49 CFR Part 173; 178.19                            | 1, 2, and 4.)  To manufacture, mark, and sell a 3-component polyethylene contains  |
| 6607-X               | DOT-E 6607               | Bio-Lab, Inc., Decatur, Ga   | . 49 CFR 173.217(a)   | To-manufacture, mark, and sell a 3-component polyethylene contains for shipments of corrosive liquids. (Modes 1, 2, and 3.) To ship ovidizing material cartridges in a non-DOT inside polyethylen half pack, overpacked in a non-DOT fiberboard box, (Mode 1, 2, and 3, 4, and 3, 4, and 3, and 3 |
| 6611 X               | рот-е сп                 | Gardner Cryogenics, Bethlehem, Pa.;<br>Phillips Petroleum Co., Bartlesville,<br>Okla.; and Air Products & Chemicals.   | 49 CFR 172.101, 173.215(a)  | half pack, overpacked in a non-DOT fiberboard box. (Mode L)  To ship nonflammable gases in a non-DOT specification insulated put able tank designed and constructed in accordance with the ASM1 Code. (Modes 1, and 3.)  |
| 6611-P               | DOT E 6614               | Jones Chemicals, Inc., Caledonia, N.Y.<br>and Continental Chemical Co., Sacra-   | 49 CFR 173.263(a) (28), 173   | To become a party to exemption 6611 (see application No. 6611 X (Mode L.)  |
| 6616-X               | DOT-E 6616               | menio, Calif.<br>Fenwal Inc., Ashland, Mass. and Boeing  | 49 CFR 173.304(a)(1), 175.3   | To ship nonflammable compressed gases in a non-DOT specification   |
| 6632-X               | DOT-E 6632               | Co., Scattle, Wash. Roper Plastics, Inc., Norkwalk, Calif  | 49 CFR 173.217(a)   | To ship nonflammable compressed gases in a non-DOT specification spherical, steel pessure vessel. (Modes 1, 4, and 5.)  To manufacture, mark, and sell polyethylene pails for shipments of dr. oxidizing materials in non-DOT single trip polyethylene contained (Modes 1, 2, and 3.)  To ship hydrofluoric acid mixtures in DOT specification MC 311 and MC-312 carry tanks. (Modes 1.)   |
| 6766-X               | DOT-E 6766               | DuBois Chemicals, Cincinnati, Ohio   | . 49 CFR 173.256  | To ship hydrofluoric acid mixtures in DOT specification MC 311 and MC-312 cargo tanks. (Mode 1.)   |
| 6703-1               | DOT-E 6793               |  |   | To become a party to exemption 6793 (see application No. 6793 X). (Me le 1, 2, and 3.)   |
| 6815- X              | DOT-E 6815               | Mobay Chemical Corp., Kansas City,   | 49 CFR 173.359  | To ship a poison B liquid in DOT specification MC 392 tank mot-<br>vehicle, (Mode 1.)  |
| 6821-X               | DOT-E 6321               |  |   | vehicle. (Modo 1.)  To ship certain oxidizing materials in a non-DOT specially designs polyethylene bottle overpacked in a non-DOT fiberboard box. (Medicial and 2.)   |
| 6544-X               | DOT-E 6314               | E. I. du Pout de Nemours & Co., Inc.,<br>Wilmington. Del.  | 49 CFR 173.216a   | To ship liquid coal far dyo in non-DOT specification single trip polyethy  |
| 6859-X               | DOT-E 6389               | McDonnell Douglas Corp., Tulsa, Oria   | 49 CFR 173.301(a)(1)  | (Modes 1, 2, and 3).   |
| 6590-P               | DOT-E 6990               | Explosive Technology, Fairfield, Calif.  | _ 49 CFR 173.100(cc), 175.3   | To become a party to exemption the life application No. (NO A. (Modes 1.2 and 4.)  |
| 6308-P               | DOT-E 6908               | Hughes Aircraft Co., Culver City, Calif  | 1_49 CFR 173.302(a)(1), 175.3   | To become a party to exemption 6303 (890 opposition No. 1703), 131(4)  |
| 6969-X               | DOT-E 6360               | Pepsi-Cola Co., Purchase, N.Y  | 49 CFR 173.245(b)   | To ship certain corresive liquids in non-DUT specification staintess site  |
| 7005-P               | DOT-E 7005               | Dow Chemical Co., Midland, Mich.;<br>Rhodia, Inc., New York, N.Y.; and<br>NGO Chemical, Baytown, Tex.  | 49 CFR 173.119, 173.141(a)<br>(10), 173.245(a)(30); 46<br>CFR 90.05-35. | To become a party to exemption 7003 (see application No. 7003). (Novel<br>3 3 and 4.)  |
| 7054-X               | DOT-E 7051               | Partonai Ammonia Co., Finiadespina   | , 43 Or 11 110.010(a)   | (Mode 1.)  |
| 7085-X               | DOT-E 7085               | California Seal Control Corp., Sau<br>Pedro, Calif.  |   | To ship a class C explosive in DOT specification 1211 ilberboard be  |
| 207-X                | DOT-E 7207               | Matheson Gas Products, Lyndhurst,  | 49 CFR 172.101, 173.315(a) (1)  | To ship liquefied ethylene in a non-DOT stainless steel cargo tan<br>designed and constructed in accordance with sec. VIII of the ASM.<br>Code with certain exemptions. (Mode 1.)<br>To become a party to exemption 7227 (200 application No. 75-187,<br>(Mod. 2.)   |
| 7227-P               | DOT-E 7227               | Airco Industrial Gases, Houston, Tex.  | 49 CFR 173.315  | To become a party to exemption 7227 (see application No. 75-187 (Mode 3.)  |
| 7260-P               | DOT-E 7260               | Atlas Powder Co., Dallas, Tex  | 49 CFR 176.415(e)(1)  | To become a party to exemption 7280 (see application No. 7.00-A  |
| 74134X<br>7423-P     | DOT-E 7413<br>DOT-E 7423 | Chitton Metal Products Division, West<br>ern Industries, Inc., Chilton, Wis.<br>Dow Chemical Co., Freeport, Tex.<br>Hart Metals, Inc., Tamaqua, Pa.<br>Reado Manufacturing Co., Lakehurst.<br>N.J.; and Rossborough Manufacturing<br>Co., Cleveland, Ohio.   | - 49 CFR 173.201(a) (1), 175.3<br>178.42.<br>; 49 CFR 173.220           | , To manufacture, mark, and sell non-DOT cylinders for shipments liquefied carbon dioxide. (Modes 1, 2, and 4.)  To become a party to exemption 7423 (see application No. 7423-N (Modes 1, 2, and 3.)  |

| Applica-<br>tion No. | Exemption<br>No. | · Applicant  | Regulation(s) affected  | Nature of exemption thereof  |
|----------------------|------------------|--|---|--|
| 7493-N               | DOT-E 7423       | Hugonnet, S.A., Paris, Franço.   | 40 CFR 90.05-33; 49 CFR pl.<br>173.                                 | To ahlp certain barardous materials in a non-DOT specification insulated portable tank complying with IMCO type 2 portable tank specification.                             |
| 7495–N               | DOT-E 7495       | Corp., Chicago, III.   | 49 CFR 173.015(a) (1)   | specification RiC-XII carea tanks for shipments of chloring. (Modes 1.   |
| 7537-N               | DOT-E 7537       | Destroia XIV   |   | 2, and 3.) To ship a greater not quantity of benzoyl peroxide in DOT specification 12B liberboard boxes. (Mode 1.)   |
| 7543-N               | DOT-E 7543       | Monsanto Co., St. Louis, Mo  | 49 CFR 173.164  | . To ship a fiammable solid in a DOT specification 55 portable tank over-  |
| 7588-N               | DOT-E 7588       | Hoyt Corp., Rogers, Ark.   | . 49 CFR 173.00(a)(1)   | packed in a modified Dempster box. (Mode 1.)  To ship compressed air in non-DOT specification, single trip, steel tanks.   |
| 7594-N               | DOT-E 7594       | Bromine Compounds Ltd., Beer Shove,  | 49 CFR 173.333  | (Aloda I.)  To ship liquid methyl bromide in a non-DOT specification portable tank   |
| 7596-N               | DOT-E 7596       | Puerto Rico Maritime Shipping Author-  | 46 CFR 90.03-33;49 CFR pt.  | complying with see. VIII of the ASME Code. (Modes I and 3.) To ship certain combustible and flammable liquids in a non-DOT spec-   |
| 7607-N               | DOT-E 7607       | ity, San Juan, P.R.<br>Century Systems Corp., Arkansas   | 173.<br>49 CFR 172.101, 175.3                                       | ilication stainless steel portable tank. (Modes 1, 2, and 3.) To ship hydrogen in a non-DOT specification seamless stainless stee  |
| 7610-N               | DOT-E 7610       | City, Kans.  Dewey & Aimy Chemical Division,  W. R. Grace & Co., San Leandro,  Calif.  | 49 CFR 173.119  | cylinder. (Mois 4.) To ship certain fiammable liquids in non-DOT pertable tank designed and constructed according to see. VIII of the ASME Code. (Modes I                  |
| 7611-N               | DOT-E 7611       | Richmond Food Stores, Inc., Rich-  | 49 CFR 173.57, 173.101  | and 3.)  To ship small arms ammunition in inside pasteboard boxes comingled  |
| 7615-N               | DOT-E 7615       | mond, Va. The Norse Co., Inc., Azusa, Calif.   | . 49 OFR 173.157  | with other articles in non-DOT polyethylene boxes. (Mode 1.)  To ship benzyl peroxida churry in a non-DOT specification liqui-pole   |
| 7616-N               | DOT-E 7616       | Misssouri Pacific Railroad Co., The<br>Texas & Pacific Railway Co., St.<br>Louis, Mo.  | 49 CFR 172.204 (a), (d)   | fiber dram. (Mode 1.)  To allow the use of a statement to aver certification on behalf of shipper to be substituted for the actual certification on shipping papers. (Mode |
| 7620-N               | DOT-E 7620       | W. P. Butterfield (Engineers) Ltd.,<br>Shipley West Yorkshire, England.  | 49 CFR 173.345, 172.23, 173.247, 173.119, 173.245; 46 CFR (0.05-35. | To ship hazardous materials in a non-DOT specification stainless steel portable tank. (Modes 1 and 3.)   |
| 7657-N               | DOT-E 7657       | Weiker Engineering Co., Bellaire, Tex  | . 49 CFR 173.302(a)(1), 173.304                                     | To manufacture, mark, and sell non-DOT specification stainless steel cylinders for slipments of compressed gases. (Modes I and L)  |
| 7671-N               | DOT-E 7671       | Hugonnet, S.A., Paris, France; Sea Con-<br>tainers Inc., New York, N.Y.; and<br>Overseas Enterprises Inc., New York,<br>N.Y. | 40 CFR 90.05-55; 40 CFR pt.<br>173.                                 | To stip certain hazardous materials in a non-DOT specification LMCO type 2 insulated portable tank. (Alodes 1, 2, and 3.)  |
| 7620-N               | DOT-E 7600       |  | 49 CFR 173-119 (a), (b),  | To thip certain flammable liquids in DOT specification 31 polyethylene   |
| · 7695-N             | DOT-E 7695       | Orval-Manutention, Paris, France   | 173.110, 173.245(a), 173.255  | containers. (Mode 1.) To ship certain invarious materials in a non-DOT specification IMCO type I inculated portable tank. (Modes 1 and 3.)                                 |
| 7725-N               | DOT-E 7725       | Economics Laboratory, Inc., St. Paul,  | (a), 173.246(a).<br>49 CFR 172.201(a)(3)                            | To allow the chipping description on chipping papers to contain coded  |
| 7752-N               | DOT-E 7752       | Minn. Hugonnet, S.A., Paris, France and<br>Euroteiner, Paris, France.  | 46 CFR 90.05-25; 49 CFR pt.<br>173.                                 | information. (Motes 1, 2, 3, 4, and 5.) To ship certain hazardous materials in a non-DOT specification IMCO type 2 inculated portable tank. (Modes 1, 2, and 3.)           |
|                      |                  | EMERGENCY E  | xemption—applications dece  | IVED AND GRANTED   |
| EE7780-N             | DOT-E 7780       | Colif  | • •   | To refil and ship garoline in used DOT specification ITE drums re-<br>qualified under modified testing procedures. (Mode 3.)   |
| EE7782-N             | DOT-E 7782       | Eastman Kodak Co., Rochester, N.Y  | 49 CFR 178.800(a)   | To waive stowage requirements for shipments of hexardous materials in limited quantities when loaded in transport vehicles and freight containers, (Mode 2).               |
| EE7785-N             | DOT-E 7785       | Stauffer Chemical Co., Westport, Conn.   | 49 CFR 173.225, 177.833(s),<br>177.854.                             | To provide for the return shipment of 10 damaged DOT specification 56 metal periable tanks containing phespherous pentasulfide. (Mode 1.)                                  |

#### DENIALS

4007-X Request by Matson Navigation Co., San Francisco, Calif.—To add a new group of tanks to ship certain flammable liquids in non-DOT specification stainless steel portable tanks, denied June 20, 1977, as being unnecessary.

portable tanks, denied June 20, 1977, as being unnecessary. 1239-P Request by The Boeing Co., Seattle, Wash.—To become a party to Special Permit 4239 authorizing shipment of compressed gases in a modified DOT Specification 4D cylinder, denied June 3, 1977.

mit 4239 authorizing shipment of compressed gases in a modified DOT Specification 4D cylinder, denied June 3, 1977.

4897-P Request by Valley Nitrogen Producers, Inc., Fresno, Calif.—To become a party to Exemption 4897 authorizing shipment of nitrogen tetroxide, liquid in DOT Specification 110A500-W stainless steel tanks, denied June 16, 1977. (HM-139 obviates the need.)

5167-P Request by Rohm & Haas Co., Philadelphia, Pa.—To become a party to Exemption 5167 authorizing shipment of certain guthion wettable powder formulations not exceeding 67% active ingredient, denied June 9, 1977, as being unnecessary.

5771-X Request by Hooker Chemicals & Plastic Corp., Niagara Falls, N.Y.—To ship

5771-X Request by Hooker Chemicals & Plastic Corp., Niagara Falls, N.Y.—To ship sodium chlorate in a tank car tank having no internal operating valve, denied June 24, 1977, as being unnecessary.

6526-P Request by Cornell Chemical & Equipment Co., Inc., Baltimore, Md.—To become a party to Exemption 6526 authorizing shipment of Class B poisonous liquids, denied June 9, 1977, as being unnecessary.

6584-X Request by Stauffer Chemical Co., Westport, Conn.—To ship certain corrosive liquids in a non-DOT Specification metal/polycthylene drum, denied June 22, 1977, as being unnecessary.

6584—X Request by Monsanto Co., St. Louis, Mo.—To ship certain corrosive liquids in a non-DOT specification metal/polyethylene drum, denied June 23, 1977, as being unnecessary.

6621-P Request by Cornell Chemical & Equipment Co., Baltimore, Md.—To become a party to Exemption 6621 authorizing shipment of certain Class B poisonous liquids, denied June 9, 1977, as being unnecessary.

6628-X Request by E. I. du Pont do Nemours & Co., Inc., Wilmington, Del.—To ship 100% sulfuric acid in DOT Specification 103CW and 111A100W3 tank cars, denied June 17, 1977, as being unnecessary.

6662-P Request by Union Carbido Corp., Bound Brook, N.J.—To become a party to Exemption 6662 authorizing shipment of certain organic peroxides, denied June 9, 1977, as being unnecessary.

1977, as being unnecessary.
6714-X Request by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.—To ship difluoroethane in a DOT Specification 112A400W tank car, denied June 13, 1977, as being unnecessary.

6719-X Request by Lehigh Valley Chemical Co., Easton, Pa.—To allow the use of a DOT Specification 17E steel drum for shipment of acctone and amyl acctate, denied June 8, 1977.

EE6889-X Request by McDonnell Douglas Corp., Tulsa, Okla.—To ship heat pipes containing anhydrous ammonia, denied June 9, 1977.

7005-X Request by Dow Chemical Co., Midland, Mich.—To ship a mixture averaging 48% by weight of 1.2-butylene oxide and 52% by weight of nitromethane under the provisions of Exemption 7005, denied June 22, 1977.

7045-P Request by X-Ray Sales & Services Co., Fort Worth, Tex.—To become a party to Exemption 7045 authorizing shipment of certain corrective solutions in bottles having a rated capacity not over five quarts each to be packed in the same outside shipping container with a non-hazardous material, denied June 20, 1977. (Docket HM-139 obviates the need.)

256-P Request by Baker Manufacturing Co., Evancyllie, Wis.—To become a party to Exemption 7256 authorizing shipment of compressed air or nitrogen in non-DOT specification, single-trip, welded steel tanks, denied June 3, 1977, as being unnecessary.

7262-X Request by Hercules Inc., Wilmington, Del.—To ship nitric acid of 98 percent concentration by rail under certain conditions, denied June 17, 1977. (Docket HM-139 obviates the need.)

139 obviates the need.)
7419-X Request by U.S. Department of Defense, Wachington, D.C.—To ship high explosives in COFC-TOFC service as prescribed in Section 174.104(b) except cars can be equipped with high phosphorus cast iron brakeshoes, denied June 13, 1977.
(Docket HM-139 obviates the need.)

7523-N Request by Chemed Corp., Lake Zurich, Ili.—For an exception to the requirement to label certain limited quantities of poison B liquids, denied June 20,

1977.
7532-N Request by Fabricated Metals, Inc., Modena, Pa.—To allow shipment of nitric acid over 40%, 98% sulfuric acid, and aqua ammonia in DOT Specification 57 portable tanks, denied June 20, 1977.

7577-N Request by Monitor Labs, Inc., San Diego, Calif.—To allow shipment of nitro-gen dioxide in permeation cylinders by air

gen dioxide in permettion cylinders by air transport, denied June 28, 1977.
7585-N Request by Fabricated Metals, Inc., Modena, Fa.—To authorize shipment of arsenic acid solutions in DOT Specification 57 portable tanks, denied June 16, 1977.
7609-N Request by Nenana Fuel Co., Nenana Aleska, To authorize shipment of

ana, Alaska—To authorize shipment of flammable and combustible liquids in installed tanks of over 110 gal capacity in cargo-only aircraft, denied June 27, 1977.
7616-N Request by Missouri Pacific Railroad Company, The Texas and Pacific Rail-

road Company, Chicago and Eastern Illi-nois Railroad, St. Louis, Mo.—For modification of buffer car requirements, denied June 20, 1977.

7670-N Request by McConnell Drum Service, Doraville, Ga.—To authorize markings on the side, near the top chime, for steel drums constructed in accordance to DOT— 17E drums except for marking, denied June 16, 1977.

7672-N Request by Kaiser Aluminum & Chemical Corp., Oakland, Calif.—To allow compliance with the old shipping paper requirements in lieu of the new regulations prescribed in 49 CFR, denied June 24, 1977.

7692-N Request by Trans-Artic Ltd., Fair-banks, Alaska—To authorize shipment in cargo-only alreraft of certain fiammable and corrosive liquids in quantities greater than authorized by 172.101, denied June 23,

1977.
703-N Request by Big Country Flying Service, Medfra, Alaska—To authorize reuse of single-trip containers for certain flammable and combustible liquids and the filling of containers within an aircraft with 7703-N certain flammable and combustible liquids,

denied June 28, 1977.
7707-N Request by C. S. Industries, Long Beach, Calif.—To authorize construction of DOT Specification 3AA cylinders with a minimum of 4 threads in the I.D. neck

area, denied June 9, 1977.
7715-N Request by PRECO, Plainview,
N.Y.—To authorize the carriage of toluol and ISO-propyl alcohol solutions in 1-pint samples in the cabin of a passenger-carrying aircraft, denied June 14, 1977.

EE7781-N Request by Wilson America Company, Inc., Jersey City, N.J.—For an emergency exemption authorizing shipment of electric blasting caps, Class A explosives via cargo-only aircraft to Norway, denied June 22, 1977.

J. R. GROTHE, Chief, Exemptions Branch, Office of Hazardous Materials Operations.

[FR Doc.77-21008 Filed 7-22-77;8:45 am]

#### DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

IMPORTATION FROM AUSTRIA OF FERRO-CHROMIUM AND CHROMIUM-BEARING STEEL PRODUCTS UNDER THE RHODE-SIAN SANCTIONS REGULATIONS

Issuance by the Government of Austria of Special Certificates Verifying Non-Rhodesian Origin of Chromium Content

Special certificates of origin are now available for importation from Austria of ferrochromium and specialty steel products under Section 530.503 of the Rhodesian Sanctions Regulations. These certificates are issued pursuant to a formal certification agreement between the

Government of Austria and the Government of the United States. They will serve to establish that Austrian materials exported to the United States do not contain any chromium of Rhodesian ori-

The Government of Austria has full responsibility for administration of the detailed control measures provided for in the certification agreement. The Ministry for Trade and Industry of the Government of Austria will authorize producers of ferrochromium and specialty steel products to state on the commercial invoice covering products being exported to the United States that the goods have been produced under the agreed certification procedures. This special certification will be presented to Customs at the time of importation. The certificate will state that it is issued pursuant to special certification procedures agreed upon between the Government of Austria and the Government of the United States.

The agreement replaces the interim arrangements which have been in effect since March 18, 1977, to permit importa-Austria. After July 18, 1977, only materials certified under this agreement may be imported under Section 530.503 of the Rhodesian Sanctions Regulations (31 CFR 530.503).

Dated: July 18, 1977.

STANLEY L. SOMMERFIELD, Acting Director.

Approved: BETTE B. ANDERSON, Under Secretary.

[FR Doc.77-21308 Filed 7-22-77;8:45 am]

#### CHROMIUM AND CHRÔMIUM-BEARING STEEL PRODUCTS UNDER THE RHODE-SIAN SANCTIONS REGULATIONS IMPORTATION FROM SWEDEN OF FERRO-

Issuance by the Government of Sweden of

Special Certificates Verifying Non-Rhodesian Origin of Chromium Content

Special certificates of origin are now available for importation from Sweden of ferrochromium and specialty steel products under Section 530.503 of the Rhodesian Sanctions Regulations. These certificates are issued pursuant to a formal certification agreement between the Government of Sweden and the Government of the United States. They will serve to establish that Swedish materials exported to the United States do not contain any chromium of Rhodesian origin.

The Government of Sweden has full responsibility for administration of the detailed control measures provided for in the certification agreement. The Board of Trade of the Government of Sweden will authorize producers of ferrochromium and specialty steel products to state on the commercial invoice covering products being exported to the United States that the goods have been produced under the agreed certification procedures. This special certification will be presented to Customs at the time of importation. The certificate will state that

it is issued pursuant to special certification procedures agreed upon between the Government of Sweden and the Government of the United States.

The agreement replaces the interim arrangements which have been in effect since March 18, 1977, to permit importation of specialty steel products from Sweden. After July 18, 1977, only materials certified under this agreement may be imported under Section 530.503 of the Rhodesian Sanctions Regulations (31 CFR 530.503).

Dated: July 15, 1977.

STANLEY L. SOMMERFIELD, Acting Director.

Approved:

BETTE B. ANDERSON, Under Secretary.

[FR Doc.77-21307 Filed 7-22-77;8;45 am]

[Supplement to Department Circular— Public Debt Series—No. 16~77]

Office of the Secretary TREASURY NOTES Series S-1979

JULY 20, 1977.

The Secretary of the Treasury announced on July 19, 1977, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 16-77, dated July 14, 1977, will be 6¼ percent per annum. Accordingly, the notes are hereby redesignated 6¼ percent Treasury Notes Series S-1979. Interest on the notes will be payable at the rate of 61/4 percent per asnum.

> DAVID MOSSO. Fiscal Assistant Secretary.

[FR Doc.77-21296 Filed 7-22-77;8:45 am]

#### INTERSTATE COMMERCE COMMISSION

Office of Hearings [No. 442] ASSIGNMENT OF HEARINGS

JULY 20, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. MC 142484 (Sub-No. 1), Stringfellow Transportation Company, Inc., now being assigned September 13, 1977 (1 day), at Brimingham, Ala., in a hearing room to be later designated.

MC 73615 (Sub-No. 402), Eagle Motor Lines, Inc., now being assigned September 14, 1977 (1 day), at Birmingham, Ala., in a hearing room to be later designated.

. NOTICES 37897

MC 135867 (Sub-No. 2), H.T.L., Inc., now being assigned September 15, 1917, at Bir-

being assigned September 16, 1917, at Birmingham, Ala., in a hearing room to be later designated (2 days).

MC-F-13011, Jack I Murphree—Continue Control—Jimco, Inc., MC 96961 (Sub-No. 3), West Tennessee Motor Express, Inc. and MC 142586, Jimco, Inc., now being assigned for continued hearing on September 1077 (1 week). at Nestwille Tennessee ber 19, 1977 (1 week), at Nashville, Tenn., in a hearing room to be later designated. MC 946 (Sub-No. 7), Ferdinand Arrigoni, Inc.,

MC 67340 (Sub-No. 11), Bosort Bus Lines, Inc., and MC 142530 (Sub-No. 2), Pioneer Bus Corp., now being assigned October 18, 1977 (3 days) at New York, New York, in a hearing room to be later designated.

I&SM 29478, Class Rate Restructuring, C&SMFTA, May 1977 now being assigned July 27, 1977 for continued hearing at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 109533 (Sub-No. 84), Overnite Transportation Company, now assigned September 12, 1977 at Charleston, West Virginia, will be held in Parlor "C", Daniel Boone Hotel, Capitol and Washington Streets, Charleston, West Virginia. ton, West Virginia.

MC 134755 (Sub-No. 103), Charter Express, Inc., now being assigned July 27, 1977 (1 day), at Omaha, Nebraska, Room 616, Union Pacific Plaza, 110 N. 14th Street, 14th and Dodge.

> H. G. Homme, Jr., Acting Secretary.

[FR Doc.77-21354 Filed ?-?-77;8:45 am]

[Rule 19, Ex Parte No. 241, Exemption 90]

#### CAMINO, PLACERVILLE AND LAKE TAHOE RAILROAD CO., ET AL.

#### **Exemption Under Provision of the Mandatory Car Service Rules**

To all railroads.

It appearing, That the railroads named below own numerous 50-ft. plain box-cars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 403, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM" as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1, 2(a), and 2(b).

Camino, Placerville & Lake Tahoe Railroad Company.

Reporting Marks: CPLT. City of Prineville.<sup>1</sup>

Reporting Marks: COP.
The Clarendon and Pittsford Railroad Com-

Reporting Marks: CLP.
Greenville and Northern Railway Company.

Reporting Marks: GRN.
Greenwich & Johnsonville Rallway Company.

Reporting Marks: GJ.

Lake Erie, Franklin & Clarion Railroad Company.

Reporting Marks: LEF.

Louisville and Wadley Railway Company. Reporting Marks: LW.

Louisville, New Albany & Corydon Railroad Company.

Reporting Marks: LNAC.
McCloud River Railroad Company.

Reporting Marks: MR. ssourl-Kansas-Texas Railroad Company. Reporting Marks: BKTY-MKT.

Pearl River Valley Railroad Company.

Reporting Marks: PRV. The Pittsburgh and Lake Eric Railroad Com-

Reporting Marks: P&LE Providence and Worcester Company. Reporting Marks: PW. Raritan River Rall Road Company.

Reporting Marks: RR. Sacramento Northern Railway. Reporting Marks: SN.

St. Johnsbury & Lamoille County Railroad. Reporting Marks: SJL. St. Lawrence Railroad.<sup>1</sup>

Reporting Marks: NSL

Sierra Railroad Company. Reporting Marks: SERA

Terminal Railway, Alabama State Docks. Reporting Marks: TASD. Tidewater Southern Railway Company.

Reporting Marks: TS.
Toledo, Peorla & Western Railroad Company.
Reporting Marks: TPW.

Vermont Railway, Inc. Reporting Marks: VTR.

WCTU Railway Company. Reporting Marks: WCTR. Yreka Western Railroad Company. Reporting Marks: YW.

Effective July 15, 1977, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., July 8, 1977.

> INTERSTATE COMMERCE, COMMISSION, JOEL E. BURNS Agent.

Note.—Ogdensburg Bridge and Port Authority deleted. (See St. Lawrence Railroad)

[FR Doc.77-21357 Filed 7-22-77:8:45 am]

#### [Notice No. 201]

#### MOTOR CARRIER TRANSFER **PROCEEDINGS**

JULY 25, 1977.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 C.F.R. Part 1132:

No. MC-FC-77215. By application filed July 13, 1977, COSTA LINES, INC., d.b.a. TRINIDAD FREIGHT SERVICE, Santa Fe Yards, Trinidad, CO 81082, seeks temporary authority to transfer the operating rights of Anna Gasperetti and John B. Gasperetti, Jr., partnership, d.b.a. The Tri-C Transfer and Storage, 111 West 10th St., Walsenburg, CO 81089, under section 210a(b). The transfer to Costa Lines, Inc., d.b.a. Trinidad Freight Service, of the operating rights of Anna Gasperetti and John B. Gasperetti, Jr.,

partnership, d.b.a. The Tri-C Transfer and Storage, is presently pending.

By the Commission.

H. G. Homme, Jr., Acting Secretary.

[FR Doc.77-21355 Filed 7-22-77;8:45 am]

#### [Notice No. 200]

#### MOTOR CARRIER BOARD TRANSFER **PROCEEDINGS**

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30-days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77199, filed July 5, 1977. Transferee: JOHN LESTICIAN TRUCK-ING, INC., 500 Breunig Avenue, Trenton, N.J. 08638. Transferor: John Lestician, doing business as John Lestician Trucking, 500 Breunig Avenue, Trenton, N.J. 08638. Applicant's representative: John Lestician, 500 Breunig Avenue, Trenton, N.J. 08638. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 35906 and MC 35906 (Sub-No. 2), issued June 25, 1964, and March 25, 1968. as corrected June 28, 1968, respectively, as follows: Coal from Trenton, N.J., and Yardley, Pa., to Fort Dix, N.J., and rubber goods, china, earthenware, and bathroom fixtures between Trenton, N.J., on the one hand, and, on the other, New York, N.Y., and Philadelphia, Pa. Trans-

<sup>&</sup>lt;sup>1</sup> Addition.

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feree presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77202, filed July 5, 1977. Transferee: TRIPLE A TRANSPORT, Littlefield Road, Springvale, Maine 04083. Transferor: Nebraska Eastern Express, Inc., P.O. Box 663, Nebraska City, Nebr. 68410. Applicant's representative: Mary E. Kelley, Attorney at Law, 11 Riverside Ave., Medford, Mass. 02155, and Michael O. Johanns, Attorney at Law, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501, Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permits No. MC 136529 and MC 136529 (Sub-No. 3), issued November 26, 1974, and January 22 1975, respectively as follows: Meats, meat products, and meat by-products, and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carriers Certificates, 61 M.C.C. 209 and 766, from points in Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Missouri, Kansas, Texas, Colorado, North Dakota, South Dakota, Washington, Oregon, and California to the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, with no transportation for compensation on return except as otherwise authorized. From the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in the United States (except Alaska and Hawaii); and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in section D of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from points in the United States (except Alaska and Hawaii), to the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with MBPXL Corporation,

of Plainview, Tex. Also meat, meat products, meat by-products, and articles distributed by meat packinghouses, and such commodities as are used by meatpackers, in the conduct of their business when destined to and for use by meatpackers, as described in Section A, C, and D of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C 209 and 766 (except hides and commodities in bulk), with restrictions, from the facilities of MBPXL Corporation at or near Rock Port, Mo., to points in New York, New Hampshire, Massachusetts, Pennsylvania, Connecticut, Rhode Island, Virginia, New Jersey, Maryland, and the District of Columbia, New Jersey, with no transportation for compensation on return except as otherwise authorized. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

> H. G. Homme, Jr., Acting Secretary.

[FR Doc.77-21356 Filed 7-22-77;8:45 am]

### sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

#### CONTENTS

Items Civil Aeronautics Board Commodity Futures Trading Commission. Equal Employment Opportunity Commission . Federal Communications Commis-\_ 5, 6, 7 sion Federal Home Loan Bank Board\_\_ 8 Federal Maritime Commission\_. \_\_ 10, 11 Federal Power Commission ... Renegotiation Board .... Securities and Exchange Commission 14 United States Parole Commission

1

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., July 26, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Docket 29139, Reexamination of the Board's policies concerning deliberate overbooking and oversales.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary (202-673-5068).

[S-957-77 Filed 7-20-77;4:14 pm]

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., July 26, 1977.

PLACE: 2033 K Street NW., Washington, D.C., 5th Floor Hearing Room.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

Third Quarterly Review FY 77.

Adoption and Monitoring of Minimum Financial Requirements by Self-regulatory Organizations.

Portions closed to the public:

Recommended action on 1.35 petitions. CONTACT PERSON FOR MORE IN-FORMATION:

Jane Stuckey (202-254-6314). [S-959 Filed 7-21-77;8:45 am]

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., July 29, 1977.

PLACE: 2033 K Street NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

3 MATTERS TO BE CONSIDERED: Market Surveillance Meeting.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey (202-254-6314).

[S-962-77 Filed 7-21-77;11:21 am]

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 36910, July 18, 1977; 42 FR 37276, July 20, 1977; S-941-77 and S-949-77.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 1 p.m., July 20, 1977.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

#### CHANGE IN THE MEETING:

The open portion of this meeting was rescheduled to commence at 2 p.m., and the closed portion rescheduled to commence at 1 p.m.

A majority of the entire membership of the Commission determined by recorded vote, at the start of the meeting of July 20, 1977, 1 p.m., that this change be made in order to accommodate members of the public wishing to attend the open portion of the meeting who were unaware that the time of the meeting was changed from 2 p.m. to 1 p.m., and that no earlier announcement was possible.

The vote was as follows:

In favor of change: Eleanor Holmes Norton, Chair; Ethel Bent Walsh, Vice Chair; Daniel E. Leach, Commissioner. Opposed: None.

CONTACT PERSON FOR MORE IN-FORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat at (202-634-6748).

This Notice Issued July 21, 1977.

[S-964-77 Filed 7-21-77;11:26 am]

5

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIMES and DATE OF MEETINGS: 9:30 a.m. (Open), follows the Open meeting (Closed), Thursday, July 21, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open and Closed Commission Meetings.

CHANGES IN THE MEETINGS: The following sentence is added to both Public Notices: "The above meeting may be continued as necessary on Friday, July 22, 1977."

CONTACT PERSON FOR MORE IN-FORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: July 18, 1977.

[S-956-77 Filed 7-20-77;3:04 p.m.]

6

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:30 p.m., Wednesday, July 20, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special Open Commission Meeting.

CHANGES IN THE MEETING: The following sentence is added to the Public Notice: "The above meeting may be continued as necessary on Friday, July 22, 1977."

CONTACT PERSON FOR MORE IN-FORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: July 18, 1977.

[S-955-77 Filed 7-20-77;3:04 p.m.]

7

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Thursday, July 21, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission Meeting.

CHANGES IN THE MEETING: A change has been made in the Wide Area Telecommunications Service (WATS) and previously listed as Item No. 1 of the Common Carrier Agenda. This common carrier matter will now be considered on the Special Agenda as Item No. 3. Therefore, the revised Special Agenda for the July 21st open meeting reads as follows:

FEDERAL REGISTER, VOL. 42, NO. 142-MONDAY, JULY 25, 1977

Agenda, Item No., and Subject

Special-1-Amendment of Part 97 concerning operator classes, privileges, and requirements in the Amateur Radio Service

(Docket No. 20282).

Special—2—Notice of proposed rule making relating to Part 13 of the Rules to restructure the radio operator examination and licensing program and to delineate operator responsibility (Docket No. 20817).

Special—3—Petitions to suspend and reject AT&T Transmittal No. 12745, revising rates for Wide Area Telecommunications Service (WATS).

Special—4—Discussion of rule making in Docket No. 21002 concerning possible amendment of Section 76.13 relating to the certification process, and Section 76.31 reto the Commission's franchise standards.

CONTACT PERSON FOR MORE IN-FORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: July 19, 1977

[S-954-77 Filed 7-20-77;3:04 pm]

R

FEDERAL HOME LOAN BANK BOARD. TIME AND DATE: 10 a.m., July 27, 1977. PLACE: 320 First Street N.W., Room 630, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE IN-FORMATION:

Mr. Robert Marshall. (202-376-3012). MATTERS TO BE CONSIDERED:

Branch Office Application—First Federal Savings and Loan Association of Lancaster, Lancaster, Pennsylvania.

Agency Office Application—First Federal Savings and Loan Association of San

Diego, San Diego, California.
Branch Office Application—Home Federal Savings and Loan Association of Palm Beach, Palm Beach, Florida.

Concurrent Consideration of Branch Office Applications—1) First Federal Sayings and Loan Association of Huntsville, Huntsville, Alabama; and 2) Security Federal Savings and Loan Association of Huntsville, Huntsville, Alabama.

Limited Facility Application—Cleveland Federal Savings and Loan Association of Cuyahoga County, Cleveland,

Application for Withdrawal from Membership—St. Mary's Bank, Manchester, New Hampshire.

Branch Office Application-First Federal Savings and Loan Association of Zanesville, Zanesville, Ohio.

Consideration of Termination of Receivership—Old Reliable Savings and Loan Association, Chicago, Illinois.

Branch Office Application—Naples Federal Savings and Loan Association, Naples, Florida.

Application for Change of Location of Limited Facility and Removal of Limitations-Twin City Federal Savings and Loan Association, Minneapolis, Minnesota.

Application for Amendment of Charter-Change of Name—First Federal Sav-ings and Loan Association of Hammonton, Hammonton, New Jersey.

Application for Amendment of Char-

ter-Change of Name—West Side Federal Savings and Loan Association of New York City, New York, New York. Consideration of IRAS and KEOGH

(H.R. 10) Plans.

No. 52, July 19, 1977.

[S-950-77 Filed 7-20-77;11:38 am]

9

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., July 27, 1977. PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

#### MATTERS TO BE CONSIDERED:

Portions open to the public:

1: Notation Items Disposed of by the Commission during June, 1977.

Report on times shortened for submitting comments on section 15 agreements pursuant to delegated authority.

3. Report on Applications for Admission to Practice approved during the month of June, 1977.

4. Assignment of Informal Dockets

during the month of June, 1977.

Agreements 17-36 and 57-107: Modification of the Far East and Pacific Westbound Conferences' basic agreements to establish programs regarding misrating caused by unintentional failures to apply conference tariffs. unintentional

6. Agreement No. 17-37: Modification of the Far East Conference Agreement and Agreement No. 57-108: Modification of the Pacific Westbound Conference Agreement to authorize assessment by the neutral body of damages in the maximum  $\mathbf{amount}$ of \$120,000 per breach.

7. Agreements Nos. 9648-A-9, 9648-A-10 and 9648-A-11: Modification of the Inter-American Freight Conference Agreement to increase admission fee to \$15,000; double maximum fines which may be imposed by the neutral body; and increase the security bond to \$30,000.

8. Agreement No. 10159-5, filed May 12, 1977: Modification of a Rationalization Agreement to add American West African Freight Conference as a party West and related amendments.

9. Latinvan, Inc.—FMC Freight Forwarder License No. 1660-Proposed Order to Show Cause regarding suspension or revocation of license.

Portions closed to the public:

 Matson Navigation Company—General increase in rates (2%) in the trade between U.S. West Coast and Hawaii.

2. United States Lines—General Increase in rates (2%) in the trade between U.S. West Coast and Hawaii.

3. Agreement Nos. 9847-3 and 10028-5: Modifications of pooling, sailing and

equal access agreements (U.S./Brazil) regarding party alignment, pool cargo, sailings and extension of term.

4. Docket No. 77-5-Agreement No. 9973-3 and Agreement No. 9863 (voting provisions of Johnson/Scanstar and Scanstar); petition for reconsideration of the Commission's May 2, 1977 order establishing schedule for filing of affidavits and memoranda.

5. Docket Nos. 76-22 and 76-59-Lakes and Rivers Transfer Corporation v. Indiana Port Commission; Request for cease and desist order regarding terminal agreements between the Port and Ceres, Inc. and Tri-State Terminal, Inc.

CONTACT PERSON FOR MORE IN-FORMATION:

Joseph C. Polking, Acting Secretary. (202-523-5727.)

[S-953-77 Filed 7-20-77;2:39 pm]

10

FEDERAL POWER COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Published July 18, 1977, 42 FR 36911.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2 p.m., July 20, 1977.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

P-17.-ER77-347, Wisconsin Power & Light

Company.
P-18.—ER/76-92, Western Power Division, P-18.—ER76-92, Western Power Division, Central Telephone & Utilities Corporation. P-19.—ES77-44, Gulf States Utilities Com-

pany.

P-20.-ER77-483, Virginia Electric and Power Company.

G-28.—CP77-496, Washington Gas Light Company. CP77-497, Transcontinental Gas Pipe Line Corporation.

> Lois D. Cashell, Acting Secretary.

[S-951-77 Filed 7-20-77;1:52 pm]

11

FEDERAL POWER COMMISSION.

JULY 19, 1977.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. § 552B:

TIME AND DATE: 10 a.m., July 26, 1977. PLACE: 825 North Capitol Street.

STATUS: Open.

MATTERS TO BE CONSIDERED: (Agenda).

-Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE IN-FORMATION:

Lois D. Cashell, Acting Secretary. Telephone (202-275-4166).

This is a list of the matter to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda. However, all public documents may be examined in the Office of Public Information, Room 1000.

POWER AGENDA, 7652ND MEETING-JULY 26, 1977. REGULAR MEETING-PART I

P-1-Docket No. ER77-495, Public Service

Company of Indiana. P-2—Docket No. ER77-427, Minnesota Power & Light Company.

-Docket No. E-8641, et al., New Eng-

land Power Company. P-4—Docket No. E-7172, Southwestern

Power Administration.

P-5—Docket No. E-9563, U.S. Department of the Interior, Bonneville Power Administration.

P-6-Project No. 2331, Duke Power Company.

GAS AGENDA, 7652ND MEETING-JULY 26, 1977, REGULAR MEETING-PART I

G-1.—Docket No. CI77-329, Texaco Inc., Docket No. CP77-304, Docket No. CP64-97, Sabine Pipe Line Company. G-2.—Docket No. RP72-6, El Paso Natural

Gas Company.

G-3.—Docket Nos. RP74-48 and RP75-3, Transcontinental Gas Pipe Line Corporation. G-4.-Docket No. RP73-110, Natural Gas Pipeline Company of America. G-5.—Docket No. RP72-23, et al., Docket

No. RP73-35, Trunkline Gas Company.

6-6.—Docket Nos. RP72-23, et al. (AP 6/14/74), Trunkline Gas Company.
G-7.—Docket Nos. RP73-65 (PGA75-5),
Columbia Gas Transmission Corporation.

G-8.—Docket No. RP76-31, Louisiana-Nevada Transit Company. G-9.—Docket No. RP76-87, Inter-City Min-

nesota Pipelines, Ltd.

B-10.—Docket No. RP77-11, Southwest Gas Corporation.

G-11.—Mobile Oil Corporation.
G-12.—Docket No. RI77-98, Infill Wells
Drilled Pursuant to New Mexico Oil Conservation Commission Order No. R-1670-T.

G-13.—Docket No. RI77-48, Elms Brothers and Company.

G-14.—Docket No. CI75-173, et al., Gulf Oll Corporation.

G-15.-Docket No. CP74-314, El Paso Natural Gas Company. Docket No. CP76-327, Northwest Pipeline Corporation. Docket No. CI77–526, Sun Oil Company, et al. G-16.—Docket No. CP70–22, et al., Michigan

Wisconsin Pipe Line Company. G-17.—Docket No. CP77-313, Texas Eastern Transmission Corporation, Docket No. CP77-

325, Consolidated Gas Supply Corporation.
G-18.—Docket No. CP77-240, Transcontinental Gas Pipe Line Corporation.
G-19.—Docket No. CP76-87, El Paso Nat-

ural Gas Company.

G-20.-Docket No. CP76-410, El Paso Natural Gas Company.

G-21.—Docket No. CP69-82, Texas Eastern Transmission Corporation, Docket No. CP72-34, Texas Eastern Transmission Corporation, Docket No. CP75-282, Texas Eastern Tran mission Corporation and Transcontinental

Gas Pipe Line Corporation.
G-22.—Docket No. CP77-360, et al., Tennessee Gas Pipeline Co. et al.

G-23.—Docket No. CP77-389, et al., Pacific Gas Transmission Co., et al.

G-24.—Docket No. CP77-420, Colorado Interstate Gas Co.

G-25.—Docket No. CP72-64, Tennessee Gas

Pipeline Company.
G-26.—Docket No. CP75-301, Tennessee
Gas Pipeline Company.

G-27 -Docket No. CP77-298, National Fuel Gas Supply.

G-28.—Docket No. CP77-115, Inter-City Minnesota Pipelines, Ltd. Inc.

G-29.-Docket No. CP77-440, Sea Robin

G-29.—Docket No. CF17-440, Set Robin Pipe Line Company. G-30.—Mississippi Gas Corporation, Gas Utility District No. 2 of Pointe Coupee Parish. G-31.—Atlantic Richfield Company.

POWER AGENDA, 7652ND MEETING-1977, REGULAR MEETING-PART II

CP-1-Docket No. ER77-462, Tucson Gas & Electric Company, Nevada Power Company, CP-2—Docket No. ER77-484, West Penn

Power Company. CP-3—Docket No. ER77-486, PJM Agree-

CP-4--Docket No. ES77-61, Pennsylvania Power & Light Company.

CP-5-Docket No. ID-1473, Lelan F. Sillin, Jr.

CP--Docket DA-1124-California. of California Department of Transportation, Lands Withdrawn in Power Site Classification No. 425 and Power Site Reserve No. 202.

CP-7-Project No. 1984, Wisconsin River Power Company.

CP-8-Project No. 803, Pacific Gas and Electric Company. CP-9—Docket No. ER77-388, Lake Superior

District Power Company.

CP-10-Docket No. E-9591, Puget Sound Power & Light Company.

MISCELLANEOUS AGENDA, 7652ND MEETING— JULY 26, 1977, REGULAR MEETING—PART II

CM-1-Black Marlin Pipeline Company.

GAS AGENDA, 7652ND MEETING-JULY 26, 1977. REGULAR MEETING-PART II

CG-1-Docket No. RP73-43 (PGA No. 77-3), Mid Louisiana Gas Company

-2-Docket No. RP72-133, United Gas

Pipe Line Company. CG-3—Docket No. RP77-32, South Georgia

Natural Gas Company. CG-4—Docket No. RP72-134 (PGA Nos. 77-5b, 77-6a, 77-7 and DCA No. 77-2a), Eastern Shore Natural Gas Company.

CG-5—Docket No. RP74-100 (PGA No. 77-7), National Fuel Gas Supply Corporation. CG-6—Docket Nos. RP72-156 (PGA No. 77-4), RP72-64 (DCA No. 77-2), RP76-17 (AP No. 77-2), Texas Gas Transmission Corporation. poration.

CG-7-Docket No. CI77-510, McCormick 1975 Oll and Gas Program and the Dow Chemical Company.

CG-8-Docket No. CP75-270, El Paso Natural Gas Company.

CG-9-Docket No. CP77-405, Colorado Interstate Gas Company.

CG-10-Docket No. CP75-362, El Paso Natural Gas Company, El Paso Abandonment Project.

> Lois D. Cashell, Acting Secretary.

[S-961-77 Filed 7-21-77;10:41 am]

#### 12

#### THE RENEGOTIATION BOARD.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 36912, July 18, 1977.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Tuesday, July 26, 1977 at 10:00 a.m.

CHANGES IN MEETING: Items 7 and 8 are added to the previously announced agenda.

#### MATTER TO BE CONSIDERED:

7. Application for Commercial Exemption (List No. 2997) Pacific International Computing Corporation. Fiscal years ended December 31, 1972, 1973, 1974 and 1975.

8. Court of Claims Case: David B. Lilly Inc. v. United States. Court of Claims No. 332-77.

STATUS: Matter 7 is open to the public, Matter 8 is closed to the public.

CONTACT PERSON FOR MORE IN-FORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, (202) 254-8277.

> GOODWIN CHASE, Chairman.

[S-952-77 Filed 7-20-77;2:37 pm]

#### 13

#### THE RENEGOTIATION BOARD.

DATE AND TIME: Tuesday, August 2, 1977, 10:00 am.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C.

STATUS: Matters 1 through 4 will be open to the public. Matter 5 will be closed to the public. Status is not applicable to matters 6 and 7.

#### MATTERS TO BE CONSIDERED:

1. Approval of Minutes of meeting held July 26, 1977, and other Board meetings, if any.

2. Partial Mandatory New Durable Productive Equipment Exemption: Warner & Swasey Company, LPI No. 11476, Fiscal Year Ended December 31, 1973.

3. Report of the Chairman Concerning: a. Budget; b. Personnel Actions; c. Organization of the Staff; d. Rulemaking and Regulations.

4. Recommended Clearances Without Assignment, OSC&E List No. 1880: a. Brandt Company, Inc., Fiscal year ended

June 27, 1976. b. J. A. Jones Construction Company. Fiscal year ended September 30, 1975.

c. E. Walters and Co., Inc. Fiscal year ended March 31, 1974.

c-1 Accudyne Corporation. Fiscal year ended March 31, 1974.

d. Southwest Truck Body Company. Fiscal year ended December 31, 1975.

e. Dayco Corporation. Fiscal year ended October 31, 1974.

e-1 Flexible Metal Hose Manufacing. Fiscal year ended October 31, 1974.

e-2 GEA d.b.a. Dayton Plastics, Inc. Fiscal year ended October 31, 1974.

e-3 GJE d.b.a. Cincinnati Plastics. Fiscal year ended October 31, 1974.

e-4 R. M. Hollingshead Corporation. Fiscal year beginning November 1 and ending March 31, 1974.

f. Inland Steel Company. Fiscal years ended December 31, 1974 and 1975.

5. Court of Claims Case: Martin Manufacturing Company, Inc. Fiscal year ended June 30, 1967.

6. Approval of Agenda for meeting to, be held August 16, 1977.

7. Approval of agenda for other meetings, if any.

#### SUNSHINE ACT MEETINGS

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel, Secretary, 2000 M Street NW., Washington, D.C. 20446, 202–254–8277. Dated: July 21, 1977.

Goodwin Chase, Chairman.

[S-960-77 Filed 7-21-77;10:41 am]

#### 14

SECURITIES AND EXCHANGE COM-MISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 36362, July 14, 1977.

PREVIOUS ANNOUNCEMENT: 42 FR DATE: July 21, 1977, 10 a.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

CHANGES IN THE MEETING: The meeting previously scheduled for 10 a.m., Thursday, July 21, 1977, will be held at

2:30 p.m. The following additional items will be discussed:

Open Agenda

- 1. Consideration of the renewal of the Advisory Committee on Corporate Disclosure for a period of sixty days.
- 2. Consideration of an extension of time for the period requesting comments regarding Rule 434(d) and amendment to Rule 134, which deal with investment company advertising.

Closed Agenda

Offers of settlement. Consideration of the issuance of a report of investigation. Access to files by Special Counsel and Special Auditor. Chairman Williams, Commissioners Loomis, Evans, and Pollack determined that Commission business required consideration of these matters and that no earlier notice thereof was possible.

JULY 20, 1977.

[S-758-77 Filed 7-21-77;8:45 am]

1

UNITED STATES PAROLE COMMISSION.

United States Parole Commission—National Commissioners (the three Commissioners presently maintaining offices at Washington, D.C. Headquarters).

TIME AND DATE: Tuesday, August 2, 1977; 9:30 a.m.

PLACE: Room 338 Federal Home Loan Bank Board Building, 320 First Street NW., Washington, D.C. 20537.

STATUS: Closed—Pursuant to 5 U.S.C. 552b(c) (10) and 28 C.F.R. 16.205(b) (1). MATTERS TO BE CONSIDERED: Referrals from regional directors of approximately 20 cases in which immates of Federal Prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE IN-FORMATION:

Lee H. Chait, Analyst, 202-724-3094. [S-963-77 Filed 7-21-77;11:21 am]



## MONDAY, JULY 25, 1977 PART II



# DEPARTMENT OF TRANSPORTATION

Coast Guard



Vessel Traffic Service



Title 33—Navigation and Navigable Waters cussed in this document. Except for these CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

ICGD 76-0321

PART 161-VESSEL TRAFFIC SERVICES Prince William Sound Vessel Traffic Service AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a Vessel Traffic Service (VTS) at Prince William Sound, Alaska. This VTS is being established because Port Valdez, Alaska is the terminus of the Trans-Alaska pipeline; as a result of this, large tank vessels will transit Prince William Sound to ship oil from Port Valdez, Alaska to the contiguous states. The radar surveillance by the Coast Guard and the equipment and reporting requirements for vessels in the VST area are intended to lessen the potential for collisions and groundings by vessels.

EFFECTIVE DATE: These amendments are effective on July 25, 1977.

FOR FURTHER INFORMATION CON-TACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-1477).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the Federal Register on February 7, 1977, (42 FR 7164). Written comments were requested and all comments received by April 6, 1977, were considered in these final rules. Public hearings were held in Juneau, Alaska on March 18, 1977, and in Anchorage, Alaska on March 21, 1977. Several interested persons testified at these hearings and their comments were also considered in these final rules.

These rules are made effective in less than 30 days after publication in the FEDERAL REGISTER. Since the first tank vessel will ship oil from the Trans-Alaska Pipeline Terminal during the last week in July, the Coast Guard feels that good cause exists to have these regulations effective within the 30 day period. It would be contrary to the public interest to have vessels moving oil through Prince William Sound before the rules establishing the vessel traffic service are in effect.

DRAFTING INFORMATION: The principal persons involved in the drafting of this rule are: Commander E. J. Hickey, Jr. and Ensign George W. Molessa, Jr., Project Managers, Office of Marine Environment and Systems, and Mr. Stephen D. Jackson, Project Attorney, Office of Chief Counsel.

DISCUSSION OF MAJOR COMMENTS

There are several minor changes to the rules, comments not within the scope of the rulemaking, and non-substantive comments that are not dis-

items the preamble discusses the changes to the rules and the comments received.

Several comments were received questioning the applicability of the rules and whether vessels must comply with the rules or just the Vessel Traffic Center (VTC) directions. Section 161,301 describes the vessels that must comply with these rules. Vessels covered by the Vessel Bridge-to-Bridge Radiotelephone Act must comply with the reporting, communications, and Valdez Narrows rules. Commercial fishing vessels towing skiffs or workboats are not considered to be commercial vessels engaged in towing for the purposes of these rules. All vessels navigating in the Traffic Separation Scheme (TSS) must comply with the TSS navigation rules. Vessels must comply with the applicable rules and also obey directions issued by the VTC under § 161.307. The rules are generally directed at the master of the vessel; however, § 161.304 prohibits any person who could authorize the operation of a vessel. including owners and pilots, from acting or ordering anyone to act contrary to these rules.

A number of comments were received regarding the VTS Operating Manual. The manual will be primarily explanatory and informational in nature. It will contain, along with the VTS rules, climatological and geographical summaries, information on fishing activity in Prince William Sound, and other material to assist the mariner in complying with these rules and to familiarize him with Prince William Sound. The manual will also address operating restrictions which the VTC may impose on vessels in the VTS Area.

A new § 161.306 is added to the final rules to require masters and pilots on vessels subject to the Bridge-to-Bridge Radiotelephone Act to have a copy of the Operating Manual on board before entering the VTS Area. This new section lists addresses where the manual may be obtained and describes the manual. The manual's availability will be widely publicized and it will be distributed free of charge.

The manual contains no requirements. The VTC might direct vessels to comply with provisions in the manual but the vessel would be complying with the VTC directions, not the manual it-

A number of comments were received recommending that speed limits be established and that conditions under which the port of Valdez or any other portion of the VTS Area would be closed should be specified.

It would be impossible to identify all potential conditions of adverse weather or other circumstances under which port closures or other operating restrictions would be imposed. The VTC has sufficient flexibility in vessel control to adapt to rapidly changing circumstances and unforeseen situations.

The Coast Guard is not establishing speed limits in these VTS regulations. Under 33 CFR Part 160 the Captain of the Port (who is also in charge of the

VTC) may establish vessel speed limits or other safety measures on a temporary basis to protect vessels and the navigable waters. The Coast Guard contemplates using this authority to set speed limits for laden tank vessels in Valdez Narrows.

Several comments were received concerning deviations from the rules under § 161.309. Some recommended no deviations at all, others recommended deviations only during an emergency, and others recommended that written requests for continuing deviation under proposed § 161.309(a) be subject to rulemaking procedures and be published in the Local Notice to Mariners. Another comment noted that vessels in the VTS Area would be unaware of a vessel authorized to deviate from the rules, and another comment questioned the Coast Guard's ability to enforce the rules if deviations were allowed.

Section 161.309(a) is being amended by dropping "for a continuing operation" from the paragraph. This change is not in response to the comments and the effect of this change is minor. The District Commander might, as a result of this change, issue an authorization to deviate for a single voyage as well as for continuing operations. The deviations from the rules granted under § 161.-309(a) will only be permitted if the proposed operation can be done safely.

Authorization of the VTC to deviate for a single voyage will only be granted under extenuating circumstances, such as adverse weather, which threatens the safety of a vessel, her crew or cargo, or the environment. Vessels in the system will be advised if a vessel is authorized to deviate from any rule, and the deviation will be published in the Local Notice to Mariners, if possible. However, to subject each request under § 161.309(a) to rulemaking and require that each deviation be published in the FEDERAL REGISTER for comments is not practical. The Coast Guard must be able to authorize appropriate deviations in a timely manner. Since as the Coast Guard must approve any requested deviations, there is no lessening of the Coast Guard's authority to uphold the regulations. The authorization to deviate will be limited to specified requirements of the rules. The vessel will be required to comply with all other provisions of the rules.

Several comments were received regarding the communications rules in §§ 161.320 through 161.335 of the proposal. Five of these comments recommended that VHF-FM Channel 13 not be used as the VTS operating frequency. One comment stated that using the bridge-to-bridge frequency would violate the Vessel Bridge-to-Bridge Radiotelephone Act. Reasons cited were that Channel 13 is strictly a navigation safety frequency and that its use as the VTS operating frequency would over-load the frequency and impede its pri-mary use as the bridge-to-bridge frequency. One commenter specifically objected to the Coast Guard's plan to

broadcast weather information and traffic advisories on Channel 13.

As stated in the preamble of the notice, it is the Coast Guard's intention to use Channel 13 as the VTS frequency. The Coast Guard feels that the information to be exchanged between vessels and the VTC is navigational safety information and therefore within the Vessel Bridge-to-Bridge Radiotelephone Act. Coast Guard regulations in § 26.04(c) of this Chapter published in 1972, include communicating with shore installations to exchange necessary information for navigation safety; the information required to be reported is this type of information. Although saturation prob-lems on Channel 13 have occurred in other ports where the Coast Guard operates a VTS, resulting in other frequencies being designated for VTS use, Prince William Sound will have a much lower traffic density. Use of Channel 13 by the VTS should not preclude its use for bridge-to-bridge communications. Were a separate channel designated for VTS use, vessels would then have to guard three VHF-FM frequencies in Prince William Sound; the VTS frequency, Channel 13, and Channel 16. While this would probably not be a problem for larger vessels, smaller vessels require to use the system would have difficulty complying. Many small craft, including fishing vessels, not subject to the VTS communication rules, already are equipped with Channel 13 capability and will want to monitor the VTS frequency to avail themselves of traffic advisory information.

Routine weather broadcasts will not be made on Channel 13. They will be made on another VHF-FM channel, preceded by notification call-up on Channel 13. Weather information affecting navigational safety and traffic advisory information will be broadcast on Channel 13.

Several comments were received which observed that the radio watch requirements did not extend beyond the area of Hinchinbrook Entrance. It was recommended that the watch requirement be extended seaward of Hinchinbrook.

Proposed § 161.328 required vessels inbound to Hinchinbrook Entrance to make an initial report to the VTC not less than one hour before arriving at the Entrance. In the final rules, this requirement has been moved to a new § 161.336, and the initial report has been expanded to require a vessel to report any alternate communications capability, if any, and any other information the VTC requires. A reporting requirement, three hours before vessels inbound to Cape Hinchinbrook would arrive there, has been added as a new § 161.334.

Several comments were received concerning radar surveillance in the VTS Area and concerning extending radio coverage south of the VTS Area. Other comments were received requesting the Coast Guard to require Loran-C retransmission capability on tank vessels.

Radar surveillance will not cover the entire VTS Area. The Coast Guard feels

that the radar coverage from Port Valdez and Potato Point combined with vessels reporting movements is ample for the VTC to monitor traffic.

There will be no remote communications site on Middleton Island. The antennas on Hinchinbrook and Montague Islands will provide adequate VHF-FM coverage, extending up to 90 miles south of Hinchinbrook Entrance depending upon the shipboard antenna height and transmitter power.

The Coast Guard is not adopting the comments for requiring Loran-C retransmission at this time. The Coast Guard feels that the present surveillance system is adequate. The Coast Guard is currently planning a Loran-C based surveillance system for use in Prince William Sound, as an enhancement to existing surveillance capabilities. Rules for vessel equipment requirements will be proposed after completion of the engineering system design and evaluation.

Several comments were received regarding radio failure. One commenter observed that a vessel with an inoperative radio could enter the VTS area without the knowledge of the VTC or other vessels. The same commenter recommended that vessels not be allowed to transit the TSS if its radio has failed. Another commenter said the radio failure rule was too lax and could be used by vessels to exempt themselves from the VTS rules.

The radio failure rule is unchanged from the notice except that it is moved from proposed § 161.334 to § 161.328. Vessels required to participate in the VTS carry a variety of communications equipment. If all communications equipment becomes inoperative at a given time. it is unsafe and impractical to forbid a vessel to enter Prince William Sound in search of a safe haven. In case of a radio failure, the vessel would be exempt from only the radio guard requirement, § 161 .-320, and the various reporting requirements. The vessel still must comply with all other VTS rules, including use of the TSS. It is safer to have the vessel proceeding in Prince William Sound in the TSS where it will not encounter a meeting situation, than it would be to permit the vessel to navigate outside the TSS. The requirement to obtain permission from the VTC before a vessel may enter the Valdez Narrows also applies to vessels with radio failure.

Several comments were received which dealt with the vessel movement reporting requirements and reporting points in proposed §§ 161.328, 161.342, and 161.389. One commenter recommended that the Coast Guard make use of the reports which vessels make to the Jackson Point terminal. Another suggested that Middleton Island be added as a reporting point. One commenter recommended a vessel give 30-60 minutes notification of its intention to cross the TSS instead of the 10 minutes notification specified in proposed § 161.342. Another recommended a vessel report when actually beginning to join, cross, or leave a traffic lane, and again when the maneuver is completed. Also related to movement reports was a recommendation that vessels not be allowed to enter the VTS area without providing or receiving certain critical information regarding traffic, weather conditions, and ice conditions.

The Communications Rules have been reorganized and renumbered in the final rules. The initial report and final report in proposed §§ 161.328 and 161.331, have been moved from this subject area, and in the final rules are moved to the Vessel Movement Reporting Rules as §§ 161.336 and 161.342 respectively.

The Coast Guard will be in frequent contact with the Jackson Point terminal. Any vessel movement information received at that terminal will be relayed to the VTC. In § 161.334 of the final rule, a new requirement is added for a vessel inbound to Cape Hinchinbrook to make a preliminary report three hours before arrival at Hinchinbrook Entrance. Due to the distance and vessel speeds involved, tankers inbound from west coast ports would, in fact, be making this report in the vicinity of Middleton Island. However, other vessels, particularly tugs with tows, will not normally be approaching Cape Hinchinbrook from Middleton Island, but from the vicinity of Cape St. Elias to the east; therefore, the timing of the report is more appropriate than the location.

The TSS is well inside the limits of the VTS Area. Before entering the VTS Area, a vessel must make an initial report. This report, moved from proposed § 161.328 to § 161.336, requires a vessel to report its position, destination, speed, and time and place of entering the TSS. The report must be made at least thirty minutes before entering the VTS Area, and in the case of vessels entering via Hinchinbrook Entrance, 60 minutes before entering. Thus an additional notification requirement 30-60 minutes before the vessel will join, cross, or leave the TSS is not necessary. The ten minute notification requirement in proposed § 161.342 renumbered § 161.338 in the final rules, is essentially an update: therefore, an additional notification at the time of the maneuver is unnecessary. Nevertheless, the final rule has been changed to include a provision for towing vessels to give a 30 minute notification, so that if the VTC decides to prohibit the crossing there will be sufficient time for a towing vessel to maneuver its tow clear of the TSS before entering the TSS. A vessel must report when it clears the TSS after crossing under § 161.338.

The VTC will advise the vessel of traffic and weather conditions along the vessel's intended route during the initial report required by § 161.336. This information will be updated as necessary during the vessel's transit.

The reporting points have been changed and moved from proposed § 161.389 to § 161.340 of the final rules. The Bligh Reef reporting point has been deleted. The Coast Guard feels that a report at this point is not necessary since the vessel is under radar surveillance at this point. A new reporting point has been added at Naked Island. Naked Island lies just beyond the extent

of the radar coverage, and this report will enable the VTC to identify that vessel on the radar screen when it reaches the radar coverage.

Several comments were received which addressed the requirement for and the extent of operations within a one-way traffic area in and around Valdez Narrows. Several comments were received which recommended that the rules contain a specific requirement for one-way traffic in Valdez Narrows. Several more addressed the length of the one-way area with most recommending that the southern limit be established at Rocky Point rather than a position 1.3 miles south of Jack Bay, as stated in the preamble to the proposal. One commenter recommended that tugs and fishing boats be exempt from any one-way restriction. One commenter recommended that vessels with restricted navigational ability or maneuverability should not be permitted to transit Valdez Narrows without tug escort.

The Valdez Narrows rules have been reorganized. Proposed §§ 161.370 and 161.374 are moved in the final rules to §§ 161.374 and 161.372 respectively. Section 161.372 (Entering Valdez Narrows) distinguishes between vessels under the Vessel Bridge-to-Bridge Radiotelephone Act and Tank vessels of 20,000 DWT or more. Each tank vessel must comply with all the equipment requirements in § 161.372 plus all the requirements in 161.376(a) except for the Loran-C requirement before it may enter the Valdez Narrows One-Way Traffic Area. Section 161.374 (formerly § 161.-370) is amended by requiring the person designated by the master to pilot or direct the movement of the vessel as well as the master to communicate with other vessels in the Valdez Narrows. This change reflects the communication requirements in the Vessel Bridge-to-Bridge Radiotelephone Act.

Sections 161.370 and 161.387 are new: they establish and describe the geographical limits of the Valdez Narrows One-Way Traffic Area: Rocky Point in the south, and Entrance Island in the North. The preamble to the proposal discussed the traffic limitations in Valdez Narrows; however, they were not formally incorporated in the proposed rules. Section 161.370 prohibits any vessel subject to the Vessel Bridge-to-Bridge Radiotelephone Act from entering the Valdez Narrows One-Way Traffic Area when a tank vessel is proceeding in Valdez Narrows in the opposite direction. These vessels must obtain permission from the VTC before they may enter the Narrows. The VTC is in a better position with its radar and communications capability to determine when these vessels may enter Valdez Narrows, than a vessel would be.

Several comments were received on the subject of equipment requirements on vessels. One commenter recommended that proposed § 161.376 should apply to all tank vessels of 15,000 or more gross tons instead of the 35,000 gross tons set forth in the proposal. Two others recommended that the requirement for certain

tank vessels to have a rate of turn indicator be eliminated. One commenter recommended two VHF radios on tank vessels over 100,000 deadweight tons (DWT). Another suggested that tankships be required to carry a battery operated VHF radio. One commenter recommended that the requirement for certain tank vessels to have two separate operating marine radars be changed to one operating radar. Two commenters, observing that the proposal contained requirements for two operating radars and an operating Loran-C receiver on certain tank vessels, recommended the regulations contain provisions regarding what action a vessel should take if this equipment is inoperative.

The recommendation to increase the applicability to include all tank vessels using the VTS area is adopted; however, instead of 15,000 gross tons as recommended the limit will be 20,000 DWT to be consistent with President Carter's pollution prevention program as expressed in his message to Congress on March 17, 1977.

The recommendation to require two VHF-FM radios on certain tankships is adopted for tank vessels of 20,000 DWT or more. Section 161.376 of the final rules, requires tank vessels of 20,000 DWT or more to carry two VHF-FM radios, one of which must be capable of battery operation.

The comments recommending that the requirement for a rate of turn indicator be dropped noted Coast Guard comments in the January 31, 1977 Federal Register (42 FR 5956) that further study was necessary to form a basis for requiring this equipment. While the Coast Guard will reserve judgment concerning the efficacy of rate of turn indicators on a nationwide basis, experience in the operation of this equipment aboard the Arco Fairbanks in Valdez Narrows during April 1977, has demonstrated the desirability of a rate turn indicator in Valdez Narrows. Therefore, the requirement is retained in the final rules.

The proposed requirement for certain tank vessels to have two operating marine radars was intended to insure redundancy of this important piece of navigational equipment. It was not the intention of the proposal to require that both radars be in full operation and manned while the vessel is in the VTS Area. The final rule has been re-worded to require that two radars be installed, one must be in operation and the other may be on standby, but capable of immediate operation.

The recommendation that the rules provide for what a tank vessel must do in the event of failure of specified equipment is adopted in the final rules. Section 161.376 of the final rules requires tank vessel experiencing equipment failure to immediately notify the VTC. The VTC will handle each vessel with equipment problems on an individual basis depending on the circumstances at the time.

tons instead of the 35,000 gross tons set forth in the proposal. Two others recomassistance for tank vessels while docking mended that the requirement for certain and undocking and when directed by the

VTC in Valdez Narrows. In the final rules these requirements have been moved to § 161.378 with only minor changes. A description of what constitutes tug assistance and what the tank vessel must do when using tug assistance has been added to this section. This does not add any additional requirements since it was implicit in the Notice that these tank vessels would use adequate tug assistance.

Several comments were received concerning additional use of tugs in the VTS Area. These comments recommended requiring the following: tug assistance for tank vessels with restricted maneuverability, standby tugs in the Valdez Narrows Area, tug escort in Valdez Narrows and Arm for tank vessels, and tug assistance for tank vessels of 10,000 DWT or more in Valdez Narrows.

In response to the comment concerning vessels with restricted navigational ability or maneuverability, the Coast Guard is not establishing a rule which requires tugs under specified conditions. The VTC will consider all relevant factors including the vessel's maneuverability, weather, and other hazardous conditions, in determining whether tug assistance is to be required for tank vessels in Valdez Narrows.

In response to recommendations for standby tugs and tug escorts for tank vessels for each transit in Valdez Narrows and Arm, the Coast Guard feels that these measures would not appreciably prevent a potential grounding by a tank vessel in the Narrows under normal circumstances. However, there are occasions when these measures could be effective. Under § 161.378(b) the VTC can direct vessels to have tug escorts or standby tugs as the situation warrants.

In response to recommendations for tug assistance for tank vessels of 100,000 DWT or more in Valdez Narrows, the Coast Guard feels that requiring tug assistance for these vessels on every transit of Valdez Narrows is a too restrictive approach. Tugs are effective only when the tank vessel is proceeding at relatively slow speed, yet the tank vessel's maneuverability is less at low speeds. At higher speeds there are risks involved to both the vessel and the tugs. These risks must be welghed against the advantages of employing the tugs. Under § 161.378 the VTC determines whether tug assistance is appropriate on a case by case basis taking into account all relevant factors.

The Coast Guard feels that the VTC can adequately control vessel movement in Valdez Narrows. Under § 161,370 vessels must obtain permission to enter the Narrows, under § 161,307 the VTC may limit vessel movement, under § 161,378 the VTC may require tugs, and under 33 CFR Part 160 the Captain of the Port may establish speed limits and other vessel movement restrictions. By using these controls the VTC should be able to protect both vessels and the waters of Prince William Sound.

The Coast Guard recognizes that this is an environmentally sensitive area, and that the Narrows is a potentially

hazardous area. These rules represent Coast Guard determinations based on the input received; however, the Coast Guard realizes that determining the best method for vessels to transit the Narrows Area is a complex question. The Coast Guard is considering further action on whether to add the following requirements for Valdez Narrows to the VTS regulations: speed limits, tug assistance (with the tugs made up to the vessel), tug escort, and standby tugs. Further public comments on whether to add any these provisions as permanent requirements instead of as discretionary powers of the VTC is invited.

Many comments were received recommending that the VTS Area, or "area of control", be extended some miles offshore from Cape Hinchinbrook. Two of these commenters suggested Middleton Island as the southern limit of the VTS Area.

The Coast Guard establishes and operates Vessel Traffic Services under the Ports and Waterways Safety Act of 1972. Under that Act, Coast Guard jurisdiction extends to United States waters only. United States waters extend three miles from shore; therefore, it would be beyond the scope of this act to control vessels at sea.

Several comments were received which addressed the description of the TSS in Prince William Sound. Six commenters recommended that the "dogleg" in the TSS between Naked Island and Bligh Reef be eliminated. Three of these stated that the "dogleg" required vessels to travel further west than a straight course would between Hinchinbrook Entrance and Bligh Reef and that, as a result, vessels were more likely to encounter ice from the Columbia Glacier. Two others made specific recommendations for the TSS in the form of geographic coordinates which plot as a straight line from Hinchinbrook Entrance to the vicinity of Bligh Reef. Several comments were received which stated that the outbound traffic lane in Valdez Arm was too close to the 7-fathom area charted off the west shore of Valdez Arm opposite Rocky Point. Another commenter said the TSS was poorly oriented near its termination in upper Valdez Arm, requiring vessels to make awkward course changes to negotiate Valdez Narrows. One commenter recommended that specific points of entry and departure from the TSS be set forth in the rules. Finally, one commenter recommended that Hinchinbrook Entrance be specified as the only way in or out of the VTS Area.

There is intense commercial fishing activity in Prince William Sound during various times of the year. As it is consistent with navigational safety, interference with this historical and impor--tant fishing industry will be minimized; the TSS "dogleg" is intended to accomplish this by avoiding as much fishing ground as possible. The TSS "dogleg" substitutes two moderate course changes at Naked Island and Bligh Reef for a single, more severe course change at Bligh Reef.

There should be little, if any, additional problem with Columbia Glacier ice as a result of the "dogleg" locating the TSS slightly further west than a straight TSS from Hinchinbrook Entrance to Bligh Reef would. If the ice is a problem the VTC could temporarily adjust the TSS eastward. The "dogleg" in the TSS therefore remains.

The TSS in Valdez Arm has been modified in the final rules. It has been shortened to terminate at Rocky Point instead of just south of Jack Bay. As a result of this and a slight reorientation of the traffic lane, the 7-fathom area west of Rocky Point is now further outside the TSS.

The Coast Guard is not including specific points of entry to and departure from the TSS in the final rules. The Coast Guard is also not requiring that Hinchinbrook Entrance be the only way in or out of the VTS Area.

The Coast Guard does not feel that there will be enough traffic in the TSS to require specific points of entry or de-parture. Section 161.356 requires vessels to notify the VTC before entering, crossing, or leaving the TSS; this requirement, with the radar surveillance. and other reporting requirements should enable the VTC to prevent any conflicts in the TSS. The Coast Guard also feels that with this control of the TSS there is no reason to prohibit vessels from entering the VTS Area through other points than Hinchinbrook Entrance.

Several comments were received concerning the offshore approaches to Hinchinbrook Entrance. The preamble to the proposed rules discussed the matter of a TSS in the international waters approaching Hinchinbrook Entrance. This TSS was printed on the most recent editions of nautical charts of the area by the National Ocean Survey of the Department of Commerce. This was done so that the mariners could become familiar with this TSS.

Most of the comments received recommended that the TSS be plotted between Seal Rocks and Cape Hinchin-brook. As a result of this response, the TSS as discussed in the Notice is being withdrawn from consideration, and a new TSS outside Hinchinbrook Entrance is currently being studied by the Coast Guard. As described in the final rules, the TSS begins at Hinchinbrook Entrance. The National Ocean Survey will be advised of this, and that part of the TSS outside Hinchinbrook Entrance as shown on the latest charts will be deleted in the upcoming editions.

Several comments were received concerning the designation of anchorage areas in Prince William Sound. The Coast Guard is studying several possible locations for anchorages. A separate rulemaking will be proposed and interested persons will be invited to comment.

A number of comments were received regarding fishing in the TSS. Article 26 of the Inland Rules of the Road states in part " \* \* This section shall not in part "• \* • This section shall not 161.376 Tank vessels in the VTS Area. give to any vessel or boat engaged in 161.378 Tug assistance for tank vessels.

fishing the right of obstructing a fairway used by vessels other than fishing vessels or boats." (Sec. 1, 30 Stat. 102 (33 U.S.C. 211).) For the purposes of the Navigation Rules the traffic lanes in the TSS are considered to be within a fairway. Further, the TSS rules, §§ 161.—348–161.356, describe how vessels must navigate in the TSS; however, there is no specific prohibition in the VTS rules against fishing in the TSS.

Several comments were received concerning pilots on vessels and recom-mended that the VTS regulations set forth pilotage requirements. Federal pilots are required on U.S. vessels under license and enrollment engaged in the coastwide frade. These vessels must have a federally licensed pilot onboard when the vessel enters the inland waters of the United States. The waters of Prince William Sound are inland waters. How, when, and where the pilot boards the vessel is not in the scope of this rulemaking.

The Coast Guard filed a supplement to the Final Environmental Impact Statement (submitted February 12, 1975) with the Council on Environmental Quality on June 24, 1977.

In consideration of the foregoing, Part 161 of Title 33, Code of Federal Regulations, is amended by adding § 161.301 through § 161.387 grouped under a center-head reading as follows:

PRINCE WILLIAM SOUND VESSEL TRAFFIC SERVICE

#### GENERAL RULES

| Sec.    |  |
|---------|--|
| 161.301 | Purpose and applicability.                 |
| 161.303 | Definitions.                               |
| 161.304 | Vessel operation in the VTS Area,          |
| 161.305 | Laws and regulations not affected.         |
| 161.306 | VTS Operating Manual.                      |
| 161.307 |  |
| 161.309 | Authorization to deviate from these rules. |
| 161.311 | Emergencies.                               |
|         |  |

#### COMMUNICATIONS RULES

|         | to-medical adapts   |
|---------|---|
| 161.320 | Radio listening watch.                                    |
| 161.322 | Radiotelephone equipment.                                 |
| 161.324 | English language.   |
| 161.326 | Time.   |
| 161.328 | Radio failure.  |
| 161.330 | Report of emergency or radio failure                      |
| 161.332 | Report of impairment to the opera-<br>tion of the vessel. |
|         |   |
|         |   |

#### VESSEL MOVEMENT REPORTING RULES

| 161.334<br>161.336 | Preliminary report. Initial report. |
|--------------------|-------------------------------------|
| 161.338            | Movement reports.                   |
| 161.340            | Reporting points.                   |
| 161.343            | Final report.                       |

#### TRAVUTE CUBICATION COURSE STORE

| -      | MULIC OCCUMENTAL SCHEME ROLLS                  |
|--------|--|
| 161.34 | 8 Vessels required to use the TSS.             |
| 161.35 | Vessel operation in the TSS.                   |
| 161.35 | Direction of traffic.                          |
|        | Anchoring in the TSS.                          |
| 161.35 | Joining, leaving, and crossing a traffic lane. |
|        | ***************************************        |

#### 161.370 One-way traffic for tank vessels.

161.372 Entering Valdez Narrows. 161.374 Communications in Valdez Narrows.

SPECIAL REQUIREMENTS FOR TANK VESSELS

DESCRIPTIONS AND GEOGRAPHIC COORDINATES

161.380 VTS Area.

Separation zone. 161.383

161.385 Traffic lanes.

161.387 One-Way Traffic Area.

AUTHORITY: Sec. 402, Pub. L. 93-153, 87 Stat. 589 (33 U.S.C. 1221 nt.); Sec. 104, Pub. L. 92-340, 86 Stat. 424 (33 U.S.C. 1224); 49 CFR 1.46(n) (4).

PRINCE WILLIAM SOUND VESSEL TRAFFIC SERVICE

#### GENERAL RULES

#### § 161.301 Purpose and applicability.

(a) Sections 161.301 through 161.387 prescribe rules for vessel operation in the Prince William Sound Vessel Traffic Service Area (VTS Area) to prevent collisions and groundings and to protect the navigable waters of the VTS Area from environmental harm resulting from collisions and groundings.

(b) The General Rules in §§ 161.301 through 161.311 and the Traffic Separation Scheme (TSS) Rules in §§ 161.348 through 161.354 and § 161.356 (b) and (c) apply to the operation of all vessels.

- (c) The Communication Rules in §§ 161.320 through 161.332, the Vessel Movement Reporting Rules in §§ 161.334 through 161.342, the TSS Rule in § 161.-356(a), and the Valdez Narrows Rules in §§ 161.370 through 161.374 apply only to the operation of:
- (1) Each vessel of 300 or more gross tons that is propelled by machinery;

(2) Each vessel of 100 or more gross tons that is carrying one or more passengers for hire;

(3) Each commercial vessel of 26 feet or over in length engaged in towing another vessel astern, alongside, or by pushing ahead; and

(4) Each dredge and floating plant.

#### § 161.303 Definitions.

As used in §§ 161.301 through 161.387: 'ETA" means estimated time of arrival.

"Person" includes an individual, firm, corporation, association, partnership,

and governmental entity.
"Separation zone" means an area of the TSS that is located between two traffic lanes to keep vessels proceeding in opposite directions a safe distance apart.

"Traffic lane" means an area of the TSS in which all vessels ordinarily proceed in the same direction.

"Traffic separation scheme" (TSS) means the network of traffic lanes and separation zones in the VTS Area.

"Vessel traffic center" (VTC) means the shore based facility that operates the Prince William Sound vessel traffic serv-

"Vessel traffic service area" Area) means the area described in § 161.380.

#### § 161.304 Vessel operation in the VTS

No person may cause or authorize the operation of a vessel in the VTS Area contrary to the rules in §§ 161.301 through 161.387.

§ 161.305 Laws and regulations not affected.

Nothing in §§ 161.301 through 161.387 is intended to relieve any person from complying with:

(a) The Navigation Rules for Harbors, Rivers, and Inland Waters Generally (33 U.S.C. 151 through 232);

(b) Vessel Bridge-to-Bridge Radiotelephone Regulations (Part 26 of this chapter);

(c) Pilot Rules for Inland Waters (Part 80 of this chapter);

(d) The Federal Boat Safety Act of 1971 (46 U.S.C. 1451 through 1489); and (e) Any other laws or regulations.

#### § 161.306 VTS Operating Manual.

(a) The Prince William Sound Vessel Traffic Service Operating Manual is published by the Commander, Seventeenth Coast Guard District. The operating manual contains information intended to facilitate the use of the vessel traffic service, such as:

(1) The Prince William Sound VTS

regulations.

(2) A general description of Coast Guard facilities and system components.

(3) Guidelines for establishing alternate communications.

(4) Guidelines that might be used by the VTS in issuing temporary restrictions or operating requirements under § 161.307.

- (b) The master and pilot of a vessel listed in § 161.301(c) shall ensure that a copy of the current edition of the Prince William Sound Vessel Traffic Service Operating Manual is available on board the vessel when in the VTS
- (c) Distribution of the operating manual will be made by the Coast Guard. Copies may be obtained in person or by writing:

(1) Commanding Officer, Coast Guard Vessel Traffic Service, Valdez, AK 99686;

(2) Commander, Seventeenth Coast Guard District, Federal Building, P.O. Box 3-5000, Juneau, AK 99802.

(d) Temporary changes to the operating manual are promulgated by the Commander, Seventeenth Coast Guard District, in local notices to mariners.

#### § 161.307 VTC directions.

(a) During conditions of vessel congestion, adverse weather, reduced visibility, or other hazardous circumstances in the VTS Area, the VTC may issue directions specifying times when vessels may enter, move within or through, or depart from ports, harbors, or other waters in the VTS Area.

(b) The master of a vessel in the VTS Area shall comply with each direction issued to him under this section.

#### § 161.309 Authorization to deviate from these rules.

The Commander, Seventeenth Coast Guard District may, upon written request, issue an authorization to deviate from any rule in §§ 161.301 through 161.387 if he finds that the proposed operation under the authorization can be done safely. An application for an au-

thorization must state the need for the authorization and describe the proposed operations.

(b) The VTC may, upon request, issue an authorization to deviate from any rule in §§ 161.301 through 161.387 for a voyage or part of a voyage on which a vessel is embarked or about to embark.

#### § 161.311 Emergencies.

In an emergency, any master may deviate from any rule in §§ 161.301 through 161.387 to the extent necessary to avoid endangering persons, property, or the environment.

#### COMMUNICATIONS RULES

#### § 161.320 Radio listening watch.

The master of a vessel in the VTS Area shall continuously monitor the radio frequency designated in the current edition of the Prince William Sound VTS Operating Manual for the sector of the VTS Area in which the vessel is operating, except when transmitting on that frequency.

#### § 161.322 Radiotelephone equipment.

Each report required by the Prince William Sound VTS rules to be made by radiotelephone must be made using a radiotelephone that is capable of operating on the navigational bridge of the vessel, or in the case of a dredge, at its main control station.

#### § 161.324 English language.

Each report required by the Prince William Sound VTS rules must be made in the English language.

#### § 161.326 Time.

Each report required by the Princo William Sound VTS rules must specify time using:

(a) The zone time in effect in the VTS Area; and
(b) The 24-hour clock system.

#### § 161.328 Radio failure.

Whenever a vessel's radiotelephone equipment fails:

(a) Before entering or while underway in the VTS Area-

- (1) Compliance with §§ 161.320 and 161.338 is not required; and
- (2) Compliance with §§ 161.334, 161.-336, and 161.342 is not required unless the reports can be made by other means;
- (b) Before getting underway in the VTS Area permission to get underway must be obtained from the VTC;
- (c) The master shall restore the radiotelephone to operating condition as soon as possible.

#### § 161.330 Report of emergency or radio failure.

Whenever the master of a vessel deviates from any rule in §§ 161.301 to 161.-387 because of an emergency or radio failure, he shall report the deviation to the VTC as soon as possible.

#### § 161.332 Report of impairment to the operation of the vessel.

The master of a vessel in the VTS Area shall report to the VTC as soon as possible:

(a) Any condition on the vessel that § 161.340 Reporting points. may impair its navigation, such as fire, defective steering equipment, or defective propulsion machinery; and

(b) Any tow that the towing vessel is unable to control, or can control only

with difficulty.

VESSEL MOVEMENT REPORTING RULES

#### § 161.334 Preliminary report.

Three hours before a vessel enters or begins to navigate in the VTS Area through Hinchinbrook Entrance, the master of the vessel shall report to the VTC:

(a) Name, type, and draft of the vessel.

(b) Position of the vessel.

Course and speed of the vessel. (c)

(d) ETA at Hinchinbrook Entrance.

#### § 161.336 Initial report.

At least 60 minutes before a vessel enters or begins to navigate in the VTS Area through Hinchinbrook Entrance or at least 30 minutes before a vessel enters or begins to navigate in the VTS Area from other points, the master of the vessel shall report the following information to the VTC:

(a) Name, type, and draft of the vessel.

(b) Position of the vessel.

(c) Estimated time of entering or beginning to navigate in the VTS Area.

(d) Destination in the VTS Area. (e) ETA of the vessel at its destina-

tion. Vessel speed in the VTS Area.

(g) The time and place the vessel will enter the TSS.

(h) If the vessel is a towing vessel, the overall length of the tow, including the

towing vessel. (i) Whether or not any dangerous cargo listed in § 124.14 of this chapter

is on board the vessel or its tow. (j) Any impairment to the operation of the vessel as described in § 161.332 (a)

and (b) (k) Alternate communications capa-

bilities, if any. (1) Any other information requested by the VTC.

#### § 161.338 Movement reports.

(a) While navigating in the VTS Area the master of a vessel shall report the following information to the VTC by radiotelephone:

(1) Any increase or decrease in speed

of more than 1 knot.

(2) The intent to cross through the TSS at least 10 minutes (for vessels with a tow at least 30 minutes) before beginning to cross the TSS.

(3) When the vessel clears the TSS

after crossing.

(b) When the vessel passes a reporting point listed in § 161.340, the master of a vessel shall report the following information to the VTC by radiotelephone:

(1) The name of the vessel.

(2) The reporting point.

The reporting points are:

(a) At Hinchinbrook Entrance, when abeam of Schooner Rock off the northeastern tip of Montague Island; and

(b) When abeam of Naked Island.

#### § 161.342 Final report.

Whenever a vessel anchors, moors in, or departs from the VTS Area, the master shall report the place and time of anchoring, mooring, or departing to the VTC, except:

(a) When mooring or anchoring in Port Valdez, unless requested to do so by

the VTC; or

(b) When departing the VTS Area at Hinchinbrook Entrance and the movement report for the reporting point in § 161.340(a) is made.

TRAFFIC SEPARATION SCHEME RULES

#### § 161.348 Vessels required to use the

All vessels described in § 161.301(c) must use the TSS when en route to or from Valdez via Hinchinbrook Entrance or navigating any portion of that route.

161.350 Vessel operation in the TSS The master of a vessel shall operate

the vessel in accordance with the TSS rules prescribed in §§ 161.352 through 161.354 and § 161.356 (b) and (c).

#### § 161.352 Direction of traffic.

A vessel proceeding in a traffic lane must keep the separation zone to port.

§ 161.354 Anchoring in the TSS

No vessel may anchor in the TSS.

#### § 161.356 Joining, leaving, and crossing a traffic lane.

(a) A vessel described in § 161.301(c) may join, cross, or leave a traffic lane only after the VTC has been notified of the point at which the vessel will join, cross, or leave the traffic lane.

(b) A vessel crossing a traffic lane shall, to the extent possible, maintain a course that is perpendicular to the direction of the flow of traffic in the traffic lane.

(c) A vessel joining or leaving a traffic lane shall steer a course to converge on or diverge from the direction of traffic flow in the traffic lane at as small an angle as possible.

#### VALDEZ NARROWS RULES

§ 161.370 One-way traffic in Valdez Narrows.

(a) The area described in § 161.387 is designated the Valdez Narrows Oneway Traffic Area and is restricted to one-way traffic whenever a tank vessel of 20,000 deadweight tons (DWT) or more is navigating therein.

(b) A vessel described in § 161.301(c) may not enter the Valdez Narrows One-

way Traffic Area unless:

(1) Permission to enter is obtained from the VTC; and

(2) Any directions from the VTC to remain separated from another vessel are complied with.

#### § 161.372 Entering Valdez Narrows.

(a) A vessel described in § 161.301(c), may not enter the Valdez Narrows Oneway Traffic Area, unless:

(1) The radio equipment on the vessel that is used to transmit the reports required by the Prince William Sound VTS rules is in operation;

The radar on a vessel equipped with radar is in operation and manned;

and

(3) The vessel is free of any conditions that may impair its navigation, such as fire, defective steering equipment, or defective propulsion machin-

(b) A tank vessel of 20,000 DWT or more may not enter Valdez Narrows One-way Traffic Area unless:

(1) It complies with paragraph (a); and

(2) It complies with § 161.376(a) (1), (3), and (4).

#### § 161.374 Communications in Valdez Narrows.

Before a vessel meets, overtakes, or crosses ahead of any vessel in Valdez Narrows One-way Traffic Area, the master or the person designated by the master to pilot or direct the movement of the vessel shall transmit the intentions of his vessel to the master or the person designated by the master to pilot or direct the movement of the other vessel on the frequency designated under the Bridge-to-Bridge Radiofelephone Act for the purpose of arranging safe passage.

SPECIAL REQUIREMENTS FOR TANK VESSELS

#### § 161.376 Tank vessels in the VTS Area.

(a) Each tank vessel of 20,000 DWT or more operating in the VTS Area

(1) Have two separate marine radar systems for surface navigation, one of which is operating and the other either operating or capable of immediate operation:

(2) Have an operating Loran-C re-

ceiver;
(3) Have an operating rate of turn

indicator; and

(4) Have at least two radiotelephones capable of operating on the designated VTS frequency, one of which is capable of battery operation.
(b) While in the VTS Area, if the

tank vessel of 20,000 DWT or more is unable to comply with paragraph (a) the

master shall immediately notify the VIC.

#### § 161.378 Tug Assistance for Tank Vessels.

(a) For the purposes of this section, tug assistance means the use of a sufficient number of tugs properly manned and positioned, with enough power and maneuverability to enable the vessel to accomplish the intended maneuvers safely. Factors to be considered in determining the amount of tug assistance needed are-

- (1) Existing and expected conditions of wind, tide, and current; and
- (2) Size, displacement, and maneuvering capability of the vessel.
- (b) The VTC may direct any tank vessel of 20,000 DWT or more to use tug assistance in the Valdez Narrows One-Way Traffic Area.
- (c) Each tank vessel of 20,000 DWT or more must use tug assistance when docking and undocking.
- (d) The master of any tank required to use tug assistance under paragraph
  (b) or (c) shall ensure that the number and capabilities of the tugs are adequate and that there are sufficient persons positioned on the vessel to handle lines to tugs as needed.

DESCRIPTIONS AND GEOGRAPHIC COORDINATES

#### § 161.330 VTS area.

The VST Area consists of the navigable waters of the United States inshore of the COLREGS Demarcation Lines, 33 CFR 82.1740, 42 FR 35782, comprising the portion of Prince William Sound including Valdez Arm, between longitudes 146°40' West and 147°20' West, and also Valdez Narrows and Port Valdez.

#### § 161.383 Separation zone.

The separation zone is 2,000 yards wide from Hinchinbrook Entrance to Valdez Arm west of Bligh Reef and decreases in width from 2.000 yards to 1.000 yards from the entrance to Valdez Arm to where it terminates at the entrance to the Valdez Narrows One-Way Traffic Area and is bounded by lines connecting the following latitudes and longitudes:

- (a) 60°58′43″ N., 146°47′50″ W. (b) 60°49′47″ N., 147°02′06″ W. (c) 60°34′43″ N., 147°05′16″ W. (d) 60°17′04″ N., 146°49′15″ W. (e) 60°16′56″ N., 146°45′7″ W.

- (f) 60°34′53″ N., 147°03′14″ W. (g) 60°49′23″ N., 147°00′08″ W.
- (h) 60°58′26′′ N., 146°47′02′′ W.

#### § 161.385 Traffic lanes.

The traffic lanes are 1,500 yards wide from Hinchinbrook Entrance to Valdez Arm west of Bligh Reef, and decrease in width from 1,500 yards to 1,000 yards from the entrance to Valdez Arm to where they terminate at the entrance to the Valdez Narrows One-Way Traffic Area. The traffic lanes are as follows:

- (a) The inward bound traffic lane is between the separation zone and a line connecting the following latitudes and longitudes:
  - (1) 60°58′09" N., 146°46′16" W. (2) 60°49′07" N., 146°46′16" W. (3) 60°35′00" N., 147°01′42" W. (4) 60°16′49" N., 146°45′13" W.

- (b) The outward bound traffic lane is between the separation zone and a line connecting the following latitudes and longitudes:
  - (1) 60°59′01′′ N., 146°48′37′′ W.
  - (2) 60°50′04" N., 147°03′35" W.
  - (3) 60°34′36″ N., 147°06′48″ W.
  - (4) 60°17′11" N., 146°50′59" W.
- § 161.387 Valdez Narrows One-Way Traffic Area.

The Valdez Narrows One-Way Traffic Area consists of the navigable waters of the United States in Valdez Arm, Valdez Narrows and Port Valdez north of a line bearing 307 degrees true from Rocky Point at 60°57'45" N., 146°45'07" W., and west of a line bearing 000 degrees true from Entrance Island at 61°05'07" N., 146°36′40′′ W.

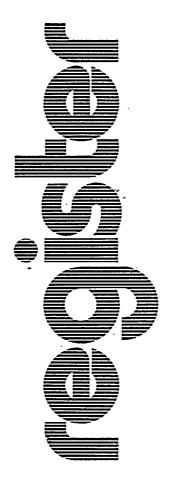
(Sec. 402, Pub. L. 93-153, 87 Stat. 589 (33 U.S.C. 1221 nt.); Sec. 104, Pub. L. 92-340, 86 Stat. 424 (33 U.S.C. 1224); 49 CFR 1.40 (n) (4).)

Note. -The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement, under Ex-ecutive Order 11821, as amended, and OMB Circular A-107.

Dated: July 20, 1977.

O. W. SILER, Admiral, U.S. Coast Guard, Commandant.

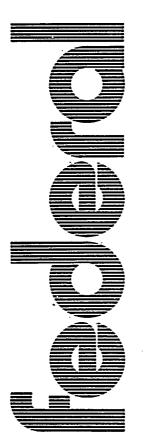
[FR Doc.77-21324 Filed 7-22-77;8:45 am]



## MONDAY, JULY 25, 1977 PART III



# ENVIRONMENTAL PROTECTION AGENCY



## STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Applicability Dates

## Title 40—Protection of the Environment CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 754-3]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

#### **Applicability Dates**

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action incorporates into the regulations the dates on which the standards of performance are applicable. The dates were not a part of the regulations at the time of their promulgation and considerable confusion exists over when the standards apply. This action removes the confusion and makes future enforcement of the standards easier.

EFFECTIVE DATE: August 24, 1977.

FOR FURTHER INFORMATION CONTACT:

Don. R. Goodwin, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone 919-541-5271.

SUPPLEMENTARY INFORMATION: Section 111 of the Clean Air Act provides that "new source" under that section means "any stationary source, the con-struction or modification of which is commenced after the publication of regulations (or, if earlier, proposed regulations) prescribing a standard of performance which will be applicable to such source." Thus, for standards of performance under section 111, the proposal date (or, in the event there was no proposal, the promulgation date) of a standard constitutes its applicability date. While this information is contained in the "Applicability" section (§ 60.2) of the General Provisions, the Agency has not, until now, incorporated in the regulations the specific applicability date(s) for each standard.

The absence of these dates from the various regulations has led to some confusion. The most frequent mistake is for the applicability date to be confused with the effective date. The effective date is the day on which the regulation becomes law (usually the day the final regulation is published in the Federal Register). The effective date has customarily been noted in the preamble to the final regulation when it appears in the Federal Register. A regulation, then, usually becomes effective upon promulgation and applies to sources constructed or modified after the proposal date.

In view of past confusion and the growing number of regulations, including revisions and amendments, the Agency has decided to hereafter incorporate the applicability date(s) under the "Applicability and designation of affected facility" section of each subpart. This action should serve to clarify which

facilities are affected by these regulations. This amendment provides clarification of the applicability dates only for the standards promulgated to date. An applicability statement will be added to regulations under proposal and to future regulations at the time of promulgation.

#### MISCELLANEOUS

As this action has no regulatory impact, but only sets forth applicability dates for the purpose of clarification, public participation was judged unnecessary.

(Secs. 111 and 301(a) of the Clean Air Act; sec. 4(a) of Pub. L. 91-604, 84 Stat. 1683; sec. 2 of Pub. L. 90-148, 81 Stat. 504 (42 U.S.C. 1857c-6, 1857g(a)).)

NOTE,—The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Analysis under Executive Orders 11821 and 11949 and OMB Circular A-107.

Dated: July 18, 1977.

BARBARA BLUM, Acting Administrator.

40 CFR Part 60 is amended by revising Subparts D through AA as follows:

Subpart D—Standards of Performance for Fossil-Fuel-Fired Steam Generators

- 1. Section 60.40 is revised as follows:
- § 60.40 Applicability and designation of affected facility.
- (a) The affected facilities to which the provisions of this subpart apply are:
- (1) Each fossil-fuel-fired steam generating unit of more than 73 megawatts heat input rate (250 million Btu per hour).
- (2) Each fossil-fuel and wood-residue-fired steam generating unit capable of firing fossil fuel at a heat input rate of more than 73 megawatts (250 million Btu per hour).
- (b) Any change to an existing fossilfuel-fired steam generating unit to accommodate the use of combustible materials, other than fossil fuels as defined in this subpart, shall not bring that unit under the applicability of this subpart.
- (c) Any facility under paragraph (a) of this section that commences construction or modification after August 17, 1971, is subject to the requirements of this subpart.

#### Subpart E—Standards of Performance for Incinerators

- 2. Section 60.50 is revised as follows:
- § 60.50 Applicability and designation of affected facility.
- (a) The provisions of this subpart are applicable to each incinerator of more than 45 metric tons per day charging rate (50 tons/day), which is the affected facility.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after August 17, 1971, is subject to the requirements of this subpart.

- Subpart F—Standards of Performance for Portland Cement Plants
  - 3. Section 60.60 is revised as follows:
- § 60.60 Applicability and designation of affected facility.
- (a) The provisions of this subpart are applicable to the following affected facilities in portland cement plants: kiln, clinker cooler, raw mill system, finish mill system, raw mill dryer, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after August 17, 1971, is subject to the requirements of this subpart.

#### Subpart G—Standards of Performance for Nitric Acid Plants

- 4. Section 60.70 is revised as follows:
- § 60.70 Applicability and designation of affected facility.
- (a) The provisions of this subpart are applicable to each nitric acid production unit, which is the affected facility.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after August 17, 1971, is subject to the requirements of this subpart.

#### Subpart H—Standards of Performance for Sulfuric Acid Plants

- 5. Section 60.80 is revised as follows:
- § 60.80 Applicability and designation of affected facility.
- (a) The provisions of this subpart are applicable to each sulfuric acid production unit, which is the affected facility.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after August 17, 1971, is subject to the requirements of this subpart.

#### Subpart I—Standards of Performance for Asphalt Concrete Plants

- 6. Section 60.90 is revised as follows:
- § 60.90 Applicability and designation of affected facility.
- (a) The affected facility to which the provisions of this subpart apply is each asphalt concrete plant. For the purpose of this subpart, an asphalt concrete plant is comprised only of any combination of the following: dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler; systems for mixing asphalt concrete; and the loading, transfer, and storage systems associated with emission control systems.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after June 11, 1973, is subject to the requirements of this subpart.

#### Subpart J—Standards of Performance for Petroleum Refineries

- 7. Section 60.100 is revised as follows:
- § 60.100 Applicability and designation of affected facility.
- (a) The provisions of this subpart are applicable to the following affected facilities in petroleum refineries: fluid catalytic cracking unit catalyst regenerators, fluid catalytic cracking unit incinerator-waste heat boilers, and fuel gas combustion devices.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after June 11, 1973, is subject to the requirements of this subpart.
- Subpart K—Standards of Performance for Storage Vessels for Petroleum Liquids
- 8. Section 60.110 is revised as follows:
- § 60.110 Applicability and designation of affected facility.
- (a) Except as provided in § 60.110(b), the affected facility to which this subpart applies is each storage vessel for petroleum liquids which has a storage capacity greater than 151,412 liters (40,000 gailons).
- (b) This subpart does not apply to storage vessels for petroleum or condensate stored, processed, and/or treated at a drilling and production facility prior to custody transfer.
- (c) Subject to the requirements of this subpart is any facility under paragraph (a) of this section which:
- (1) Has a capacity greater than 151,412 liters (40,000 gallons), but not exceeding 245,000 liters (65,000 gallons, and commences construction or modification after March 8, 1974.
- (2) Has a capacity greater than 245,000 liter (65,000 gallons), and commences construction or modification after June 11, 1973.

#### Subpart L—Standards of Performance for Secondary Lead Smelters

- 9. Section 60.120 is revised as follows:
- § 60.120 Applicability and designation of affected facility.
- (a) The provisions of this subpart are applicable to the following affected facilities in secondary lead smelters: pot furnaces of more than 250 kg (550 lb) charging capacity, blast (cupola) furnaces, and reverberatory furnaces.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after June 11, 1973, is subject to the requirements of this subpart.
- Subpart M—Standards of Performance for Secondary Brass and Bronze Ingot Production Plants
- 10. Section 60.130 is revised as follows:
- § 60.130 Applicability and designation of affected facility.
- (a) The provisions of this subpart are applicable to the following affected fa-

- cilities in secondary brass or bronze ingot production plants: reverberatory and electric furnaces of 1,000 kg (2,205 lb) or greater production capacity and blast (cupola) furnaces of 250 kg/hr (550 lb/hr) or greater production capacity.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after June 11, 1973, is subject to the requirements of this subpart.

#### Subpart N—Standards of Performance for Iron and Steel Plants

- 11. Section 60.140 is revised as follows:
- § 60.140 Applicability and designation of affected facility.
- (a) The affected facility to which the provisions of this subpart apply is each basic oxygen process furnace.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after June 11, 1973, is subject to the requirements of this subpart.
- Subpart O—Standards of Performance for Sewage Treatment Plants
- 12. Section 60.150 is revised as follows: § 60.150 Applicability and designation of affected facility.
- (a) The affected facility to which the provisions of this subpart apply is each incinerator which burns the sludge produced by municipal sewage treatment facilities.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after June 11, 1973, is subject to the requirements of this subpart.
- Subpart P... Standards of Performance for Primary Copper Smelters
  - 13. Section 60.160 is revised as follows:
- § 60.160 Applicability and designation of affected facility.
- (a) .The provisions of this subpart are aplicable to the following affected facilities in primary copper smelters: dryer, roaster, smelting furnace, and copper converter.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after October 16, 1974, is subject to the requirements of this subpart.
- Subpart Q—Standards of Performance for Primary Zinc Smelters
- 14. Section 60.170 is revised as follows:
- § 60.170 Applicability and designation of affected facility.
- (a) The provisions of this subpart are applicable to the following affected facilities in primary zinc smelters: roaster and sintering machine.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after October 16, 1974, is subject to the requirements of this subpart.

- Subpart R—Standards of Performance for Primary Lead Smelters
- 15. Section 60.180 is revised as follows:
- § 60.180 Applicability and designation of affected facility.
- (a) The provisions of this subpart are applicable to the following affected facilities in primary lead smelters: sintering machine, sintering machine discharge end, blast furnace, dross reverberatory furnace, electric smelting furnace, and converter.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after October 16, 1974, is subject to the requirements of this subpart.
- Subpart S—Standards of Performance for Primary Aluminum Reduction Plants
- 16. Section 60.190 is revised as follows:
- § 60.190 Applicability and designation of affected facility.
- (a) The affected facilities in primary aluminum reduction plants to which this subpart applies are potroom groups and anode bake plants.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after October 23, 1974, is subject to the requirements of this subpart.
- Subpart T—Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants
- 17. Section 60.200 is revised as follows:
- § 60.200 Applicability and designation of affected facility.
- (a) The affected facility to which the provisions of this subpart apply is each wet-process phosphoric acid-plant. For the purpose of this subpart, the affected facility includes any combination of: reactors, filters, evaporators, and hot-wells.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after October 22, 1974, is subject to the requirements of this subpart.
- Subpart U—Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants
- 18. Section 60.210 is revised as follows:
- § 60.210 Applicability and designation of affected facility.
- (a) The affected facility to which the provisions of this subpart apply is each superphosphoric acid plant. For the purpose of this subpart, the affected facility includes any combination of: evaporators, hotwells, acid sumps, and cooling tanks.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after October 22, 1974, is subject to the requirements of this subpart.

- Subpart V—Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants
- 19. Section 60.220 is revised as follows:
- § 60.220 Applicability and designation of affected facility.
- (a) The affected facility to which the provisions of this subpart apply is each granular diammonium phosphate plant. For the purpose of this subpart, the affected facility includes any combination of: reactors, granulators, dryers, coolers, screens, and mills.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after October 22, 1974, is subject to the requirements of this subpart.
- Subpart W—Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants
- 20. Section 60.230 is revised as follows:
- § 60.230 Applicability and designation of affected facility.
- (a) The affected facility to which the provisions of this subpart apply is each triple superphosphate plant. For the purpose of this subpart, the affected facility includes any combination of: mixers, curing belts (dens), reactors, granulators, dryers, cookers, screens, mills, and facilities which store run-of-pile triple superphosphate.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after October 22, 1974, is subject to the requirements of this subpart.

- Subpart X—Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities
  - 21. Section 60.240 is revised as follows:
- § 60.240 Applicability and designation of affected facility.
- (a) The affected facility to which the provisions of this subpart apply is each granular triple superphosphate storage facility. For the purpose of this subpart, the affected facility includes any combination of: storage or curing piles, conveyors, elevators, screens, and mills.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after October 22, 1974, is subject to the requirements of this subpart.
- Subpart Y—Standards of Performance for Coal Preparation Plants
- 22. Section 60.250 is revised as follows: § 60.250 Applicability and designation

of affected facility.

- (a) The provisions of this subpart are applicable to any of the following affected facilities in coal preparation plants which process more than 200 tons per day: thermal dryers, pneumatic coalcleaning equipment (air tables), coal
- processing and conveying equipment (including breakers and crushers), coal storage systems, and coal transfer and loading systems.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after October 21, 1974, is subject to the requirements of this subpart.

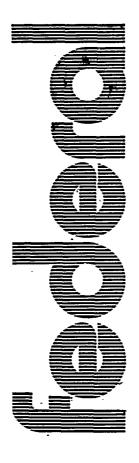
- Subpart Z—Standards of Performance for Ferroalloy Production Facilities
  - 23. Section 60.260 is revised as follows:
- § 60.260 Applicability and designation of affected facility.
- (a) The provisions of this subpart are applicable to the following affected facilities: electric submerged arc furnaces which produce silicon metal, ferrosilicon, calcium silicon, silicomanganese zirconium, ferrochrome silicon, silvery iron, high-carbon ferrochrome, charge chrome, standard ferromanganese, silicomanganese, ferromanganese silicon, or calcium carbide; and dust-handling equipment.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after October 21, 1974, is subject to the requirements of this subpart.
- Subpart AA—Standards of Performance for Steel Plants: Electric Arc Furnaces
  - 24. Section 60.270 is revised as follows:
- § 60.270 Applicability and designation of affected facility.
- (a) The provisions of this subpart are applicable to the following affected facilities in steel plants: electric arc furnaces and dust-handling equipment.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after October 24, 1974, is subject to the requirements of this subpart.
- (Secs. 111 and 301(a), Clean Air Act as amended (42 U.S.C. 1857c-6, 1857g(a)).)
  - [FR Doc.77-21230 Filed 7-22-77;8:45 am]



## MONDAY, JULY 25, 1977 PART IV



## WATER RESOURCES COUNCIL



## WATER RESOURCE POLICY STUDY

# NATER RESOURCES COUNCIL

# HATER RESOURCE POLICY STUDY

The notice in the issue of July 15, 1977 (42 P.R., 36788), Part VI, concerning the Hatar Resource Policy Study requested by the President in his Environmental Message of May 23 to the Congress, referred to additional information to be published later. In that regard, the following papers on water quality, water resources research, and on Pedexal research water rights are presented.

The public is encouraged to commont on these papers and issues as well as on the praviously published papers. The comments may be presented orally at the hearings (see issue of July 6, 1977 (42 F.R., 34563) for schedule) or in writing, addressed to the Chairman, Nater Resources Council, 2120 L Street, N.W., Manhington, D.C. 20037.

The record will remain open for comments until August 20.

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WATER QUALITY

Nater quality is an inseparable dimension or characteristic of water resources for all uses and all sources of the water. Quality should also be an inseparable consideration of all planning, development, use, and management of the resource. Because of this inseparableness, quality will constitute a major feature of the review of each of the issues by the several task groups. For instance the task group on the revision of planning and evaluation criteria is examining the feasibility of consolidation of grant and loan programs within the planning system to meet the mutual objectives of the conventional direct Federal programs. Also, this task group is considering requiring that comprehensive basin, regional, and State water plans include a complete marger, of both water quality and water quantity elements throughout.

Though the task group on cost sharing is examining primarily the most effective and equitable means of obtaining repayment of the Federal investment or of replacing the traditional Federal financing role with other means, the effect of such policy options on water quality considerations and conservation objectives is also being evaluated. Furthermore, the effectiveness of market pricing for certain vendible services and products of Federal water resources projects as an incentive to water quality conscious behavior by water users is under study.

The task group on institutions, in examining economic as well as legal institutions, is considering the reduction of subsidies and more reliance on market prices, ponalties, and charges to influence project choices and water use. In this regard, effluent charges may impel changes in industrial

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processes to reduce waste water discharge costs with a consequent beneficial effect on water quality. Also, this task group is looking at water-related laws and management practices that may impair recognition of environmental values, including water quality. Particular attention is bring given to the legal and institutional mechanisms to assure and protect instream values and flows.

The task group on conservation is looking at the entire spectrum of water uses and practices to determine the most productive means to reduce wastefulness, including the waste manifested by polluting practices. In this regard, water resources research will be relied upon to make a major constribution through developing efficiency-in-use techniques and through treatment technology for waste waters, allowing reuse and reduction or alimination of polluting effects. Desalination processes may be applicable bars to brackish and other poor quality waters, allowing in effect for sugmentation of supply without the necessity of impairing streamflows through requiating and storage structures.

An option paper on the subject of water quality is not being presented because, as was said in the original <u>Federal Reginter</u> notice of July 15 on the water policy rowiew, the Administration's position would be presented in the testimony to the Congress on amending the Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500. That testimony is presented below.

STATEMENT OF
THOMAS C. JORLING
ASSISTANT ADMINISTRATOR FOR
WATER AND HAZAROUS, MATERIALS
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE
SENATE SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION

Assistant Administrator for Hater and Hazardous Haterials. It is a pleasure to have this opportunity to testify before the Subcommittee on EPA's experience, to date, with the implementation of PL 92-500, the Federal Water Pollution Control Act of 1972. Your considerations of possible legislative changes in the statute which you, Hr. Chairman, once characterized as the need for "mid-course corrections," are as timely now as your analogy is apt. The 1972 legislation launched the nation upon a purposeful course of environmental achievement unprecedented in domestic program. While few fully appreciate the avesome dimensions of the task, it is a tribute to the vision and determination of the

Congress and especially the Public Works Committees of the two Houses, that in the design and enactment of PL 92-500 they fashioned a sound piece of legislation charting the nation on a determined "course.

Now, nearly five years later, it is entirely appropriate that we assess the progress of the program, evaluate the soundness of the statutory strategy, consult the charts to determine if we are still on course, and make the appropriate navigational corrections to speed us toward the destination which Congress set out in the objectives of the Act, "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." It is also timely that this hearing is scheduled on June 30, 1977, the eve of the statutory deadline for the installation of the best practicable control technology.

I am sure you have heard from previous witnesses, here and in other parts of the country about particular problems with the Act's implementation. It is a complex piece of legislation and there have been problems, but I want to strongly assert that despite the problems, the Act is working. It is gratifying to report that the great majority of industry will be in compliance with the 1977 requirements. Out of 4000 major industrial dischargers, an estimated 3,400 have complied with the deadline, and most of the remaining 600 are moving toward compliance.

I think this stands as conclusive evidence of the basic validity and effectiveness of the Act's strategy for the application of uniform standards to point source discharges. Also, it is tribute to the ingenuity, dedication and good faith demonstrated by most of America's industry toward achieving water pollution control.

hey can be found in a time-frame which was perhaps too short considering forces of the bureaucratic system at every level of government, including As contrasted with industrial compliance, only about 30% of the publicity systems will be brought into compliance in the next few years providing Also, the lead time required for design and construction of some of the Reasons for municipal construction grant program over the past several years and, I might add, again imperil its efficient and expeditious functioning. larger treatment systems has contributed to delays. Although it will those in the EPA. Uncertainties of Federal funding have plagued the that adequate Federal resources are available to aid in constructing Unfortunately, the progress with bringing publicly owned waste the enormity of the job and the complexities of overcoming inertial this are not attributable to any basic flaw in the Act's strategy. water treatment systems into compliance has not been as promising. take a decade or so to totally complete the task, many municipal owned systems are in compliance on this bench-mark date. the necessary facilities.

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While experience with the implementation of the Act is instructive in assessing future direction, the Committee, I assume, is more interested in EPA's judgment as to how serviceable the Act's essential structure is for moving the water pollution control program beyond the 1977, requirements, toward achievement of the stated goals and objectives.

Let me preface my comments in this regard by saying that EPA feels the Act is basically sound as a mechanism for advancing the nation's water pollution control programs. The proposals being offered by the Agency are aimed at fine tuning the Act's provisions.

In evaluating the progress to date it is important to add a word of caution in the process of identifying any area of the statute as needing change. Although the Act has been in effect almost, 5 years, EPA, State and local governments, as well as industrial and municipal sources, are just now achieving the integrated implementation of the Act which was contemplated. We are just beginning to focus on actual pollutants rather than conventional parameters of pollution. We are now only at the threshold of assuring that planning will quide implementation. We therefore must be careful not to confuse administrative problems with statutory imperfection.

Regarding the future of the program EPA sees two primary themes \_\_ in pursuing its mission of water pollution control: (1) to control toxic

pollutants and (2) to encourage the conservation, reuse and recycling of both water resources and the valuable elements contained in the various waste streams currently being discharged to the nation's waters.

Let me explain the Agency's strategies for meeting these objectives in both the municipal and industrial areas.

# MUNICIPAL STRATEGY

As EPA stratogy, I would like to reassert what I believe to be the basic strategy of the Act in regard to controlling discharges from publicly owned treatment works.

- The first priority in providing federal assistance should be on construction of those treatment facilities needed to comply with the enforceable goals of the Act.
- The application of best practical wasta treatment technology, should conform to section 201 and encourage alternatives to conventional treatment technologies which might constitute more environmentally compatible solutions to wasta control and result in the conservation and reuse of water, water borne nutrients, and other valuable elements.

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of \$45 billion over a 10 year period to aid states and communities

Application of pretreatment requirements to industrial discharges should be rigorously pursued to assure removal of harmful contaminants from the municipal waste stream and minimize the degree to which these contaminants render the residuals from the municipal waste treatment process dangerous or unsuitable for land treatment and land spreading or other forms of sludge disposal.

Swift enforcement should be taken for those communities demonstrating recalcitrance or negligence in bringing their discharges under control, or failing to operate their treatment facilities to achieve optimal control.

Admittedly, the control of municipal discharges has not moved with the facility that the Act anticipated. Nor have we been successful in overcoming inertia in the program which has prevented moving toward recycling systems. Nevertheless, we have made considerable progress toward assisting communities with the construction of the enormous back log of wastewater treatment needs.

for small communities.

As of May 31, 1977, the EPA construction grants program had obligated \$13.3 billion for the construction of wastewater treatment facilities. Much, however, remains to be done. President Carter has already asked the Congress to make a long range federal committement

in planning, designing, and constructing these essential treatment facilities. These federal funds, coupled with matching state and, local moneys. Will take care of the nation's estimated priority needs for basic wastewater treatment facilities. In making this commitment however, the President was firm in his assertion that the money be spent on building those projects which take care of the highest priority needs, represent the most cost-effective solution to the treatment problem, and will not lead to secondary impacts resulting in even greater environmental assaults to the air, the water and the land. We must also tailor the scope and scale of our response to address the problems of small communities. Burdensome systems providing little marginal improvement in water quality should not be categorically imposed upon them. We must fit our solutions to the problems - not the other way around. Likewise we are offerieng an amendment which will facilitate the step two and three grant review and approval process

The message the President is sending, and the one EPA vigorously supports, is that continued commitment of heavy public funding to this program must be predicated on an environmental objective - that of cleaning up and maintaining the quality of the nation's waters. It recognizes the fact that there are limited resources available for critical pollution control needs and that what funds we have must

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be dedicated to helping communities meet the enforceable goals of the Act. One of the greatest dangers the program faces is the proclivity to shed its environmental identity and lapse into the context of a public works program - building lower priority collector sewers and interceptors without reference to remaining high priority needs or to secondary environmental impacts. If the program becomes too concerned with the flow of dollars and looses sight of its environmental objective and the opportunity to encourage the application of innovative alternatives, the Federal Water Pollution Control Program will be in danger of losing not just the President's support, but the support of the public who have worked hard over the past decade for a well-funded federal clean water program.

I might add that EPA had demonstrated its determination to keep the construction grants program on an environmental course. We recently issued a policy limiting the eligibility of funding for grant applications to insure that proposed facilities are environmentally and economically efficient and that they remedy essential pollution control needs. Additionally, we are asking for legislative reinforcement of this policy on limiting eligibilities for storm and collection severs, reserve capacity and general sever rehabilitation and replacement, as part of our request for restricted eligibilities.

We are recommending the elimination of storm sewers for eligible 'funding. We are also recommending that collection sewer systems be

eliminated from eligibility for municipal construction grant funding under PL 92-500. There are other Federal assistance programs more appropriate for assisting particularly small, low income communities, with the construction of needed collection systems. The Federal Farmers Home Administration loan program is available for this purpose and funding should be increased as necessary.

Eligibility for reserve capacity in treatment plants and sewers should be limited somewhat to the capacity to serve only the estimated near term population of the service area. Sewer rehabilitation and replacement should be eligible only in those cases where it is considered a cost effective solution to the elimination of excessive infiltration and inflow.

Additionally, I should make it clear that it will be the future policy of the Agency to fund only advance waste treatment projects essential to meeting the 1983 water quality goals. This partial prohibition, however, will not be interpreted by the Agency as a means of discouraging municipal initiatives toward recycling and land treatment alternatives.

In the past there has been an unfortunate tendency for municipal treatment technologies to become hidebound. 'As a new employee of the Environmental Protection Agency, I was pleased to learn that, contrary

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other valuable elements it carries. In a nation that is facing increasing convinced, however, that much more can be done. The Administrator has directed that we use what influence we have to advance efforts toward for reuse and conservation of the water as well as the nutrients and from the grim specter of famine, consciencious public policy demands problems of water scarcity, within a world environment never removed to my apprehensions, the Agency has been making impressive advances wide-scale development and utilization of technologies that provide an interest in this area I am submitting some information with this testimony which describes the extent to which alternative treatment technologies are being funded through EPA facilities grants. I am treatment of domestic wastes. Over 13 percent of the step 2 and 3construction grant projects now being funded involve techniques of in encouraging the application of alternative technologies to the Because I know the Subcommittee has expressed land application. no\less.

consideration of legislative measures to encourage water conservation savings by the individual, the institutional and the industrial user. In addition to an insistence upon sewerage charges reflective of the physical, economic or political devices that will encourage water proportionate share of the system used, we are also recommending In this same context, we will be diligent in our pursuit of in the communities receiving construction grants awards.

vital resource and financial savings to both the Federal government lomestic usage. We recommend that the full Federal share of the compelling evidence that significant savings can be achieved in consumption. The long run result will be the conservation of a construction grant be available to only those communities that indicate they are taking the initiative to reduce water use and the community.

that the system is protected from incompatible pollutants and that incompatible for geographic or other reasons, we should be trying to minimize problems For those municipal treatment systems receiving industrial wastes, rather than the exception. Where these alternatives are not optimal, of treatment that contains nutrients and organic matter, then adoption ischarge into the municipal system. One of our objectives should be of alternatives which use such valuable materials will beome the rule the generation of a treated waste residual which can confidently be placed on the land as a fertilizer, a soil conditioner or stabilizer we are developing effective pretreatment controls which will assure if through pretreatment we can achieve effluent from various levels Similarly, oxics and heavy metals are removed from the waste stream prior to with other disposal options for the enormous volume of residuals without fear of contamination or other adverse effects. generated in municipal facilities.

One of this Administration's management objectives will be an attempt to integrate the authorities of the Resource Conservation and Recovery Act; the Safe Drinking Mater Act, and the Marine Protection Research and Sanctuaries Act. They are integral to our common life support systems and essential to the long term stability of the human

I'm enforcement. The first is the reluctance of a small but persistent normally attributable to the reluctance of city officials to appropriate issistance. The second is the widespread failure of existing treatment hesitancy and caution. It is now evident, however, that there are two number of municipalities to proceed with the construction of secondary either secondary treatment or design specification criteria, primarily persistent problems in the municipal sector that must be addressed by because of improper operation and maintenance. The latter problem is capability to deal with both of these problems and is committed to an Along with adequate funding, we must also take a strong posture 'acilities, secondary and otherwise, to produce an effluent meeting toward municipal enforcement. During its initial years, the Agency breatment facilities, despite the availability of federal funding Invoked its enforcement powers against municipal dischargers with enforcement strategy to minimize them. That strategy, of course, facilities. The Agency's enforcement program has a demonstrated sufficient funds to the operation and maintenance of treatment

would not seek to penalize a municipality whose failure to proceed with the installation of treatment facilities is solely attributable to a lack of adequate federal funding.

This enforcement strategy would be greatly facilitated by amending section 301 of the Act to enable the Administrator to extend the attainment date for secondary treatment on a case-by-case basis in permits to publicly owned treatment works. In this manner the Agency could more effectively use its basic regulatory tool to establish and enforce realistic construction schedules which take into account the availability of construction grant funds, and establish enforceable effluent limitations based on effective operation and maintenance pending the completion of secondary treatment facilities. Other enforcement mechanisms are also under consideration. Specifically, we are looking at the possible application of a delayed compliance fee to noncomplying municipal dischargers. We may wish to offer an amendment for the Cocmittee consideration on this proposal at a later date.

In summary, EPA is satisfied with the strategy contained in PL 92-500 for control of municipal point sources. It is working. We hope that the Congress will keep its essential structure intact. With continued funding for construction grants at the level recommended by the President, and with several relatively small amendments which

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we believe would facilitate implementation of the statute, we can move with added determination toward its goals and objectives.

providing EPA with the authority to make up to 2 percent of the State's their personnel in the management of some aspects of the grant program. grant management responsibilities. To assist the States, we recommend we are exploring possibilities with the Corps of Engineers to involve share of the federal construction grant funds available to the States delegation of certain functions of the construction grants program effectively manage the construction grants program. For example, resources, both within the States and other federal agencies, to In addition to the previously referenced amendments, we are to those states which are qualified and interested in assuming for management needs. The authority would enable the Agency to continue its effort to make the most effective use of available also recommending a statutory change which would facilitate the

compromise on several of the disputed areas of the Act, I wish to stress that it is absolutely imperative that the Congress provide the program grants program, as well as the authority for case-by-case extensions In regard to amendments, I should add, that in the event that with continued short term funding for the municipal construction the House and Senate again fail to achieve a mutually agreeable of the statutory deadline as it applies to municipalities.

# PLANNING STRATEGY

water quality. While there have been some problems with the implementation President Carter has already asserted this Administration's commitement 208 plans should comprise the state's overall strategy for achieving Section 208 of the Act creates a continuing planning process  $arphi^+$ of the 208 program we believe it is a critical component of the Act. These management and guidance from the federal government and the states. It deserves continued commitment of resources as well as increased which, if properly implemented, should provide the basic framework permits into a coherent and implementable long range plan for the to the 208 planning program and has requested additional funding. for integrating the facility construction grants and the NPDES achievement and maintenance of water quality within an area.

water quality management process. We believe we can and should do this gövernments as active participants. Specific products will be expected Act -- under sections 106, 201, 208, and 303 -- into a comprehensive management and assistance programs controlling non-point sources and We will attempt to integrate all the planning functions of the under existing authority. Within this framework the State level of government should assume a central coordinative role with the local of the planning efforts, including the development of regulatory, the location of new polluting facilities. Additionally, we are

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recommending an amendment providing that continued availability of rederal funds under section 207 of the Act will be premised upon the development and implementation of enforceable pretreatment standards for the introduction of pollutants into publicly owned treatment works, as well as the development of approved water quality management

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## INDUSTRIAL

The second major category of point sources with which the Federal Mater Pollution Control Act deals is industrial dischargers. The Agency, with the assistance of the states, has experienced widespread success in bringing about compliance with effluent immitations based on best practicable control technology. We expect all but about 14% of the major industrial dischargers to have met

these requirements by temorrow. That is a tremendous accomplishment by the Agency, the states with approved permit programs, and "merican industry."

allowing the administrative assessment of a non-compliance fee commensurate whose effluents have adverse effects on public health and those dischargers their wastes in municipal treatment systems that are presently unavailable. To facilitate the Agency's enforcement program we are proposing amendments with the economic benefits of delayed compliance, as well as court imposed We will address first those discharges timely manner because of delayed action by other parties. Such instances over the next year to dealing with the large industrial dischargers that In fairness to the wast majority of industries that have met their pollution control objecwith the economic benefits of delayed compliance and addressing several of courso, against those industries that, despite good faith efforts on Include these in which permits have not been issued in a timely manner and in which industries are schoduled and under contract to discharge The Agency will be devoting the bulk of its enforcement efforts tions in a timely manner, we will be seeking penalities commensurate their part, have been unable to achieve treatment requirements in a technical problems with the Agency's present enforcement authority. compliance schedules. The Agency will not take punitive measures, whose conduct to date has the earmarks of bad faith. will, not meet the July 1 deadline.

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abatement - the control of toxic pollutants, particularly organic chemicals. of the first stage of pollution control envisioned by the Act - the control time it sets the stage for the activation of the second round of pollution Lie Agency's firm enforcement policy will assure the complete attainment of traditionally regulated pollutants, such as biological oxygen demand At the same (BOD), suspended solids, pH and some of the heavy metals.

with pollutants such as Kepone, carbon tetrachloride, and carcinogenic organics in drinking water supplies, leave no doubt that even with BPT controls there will continue to be major discharges of toxic pollutants, many of which are As you have heard from other testimony, the 1977 or BPT limitations potential threats to public health. Thousands of others pose suspected However, our available data, along with recent experiences most likely will have incidental benefits in control of toxics in some but unquantified hazards to human as well as aquatic life and welfare. industries.

and economic tests in BAT are in general more easily met than the cause-andindustry subcategories we must be concerned with. Moreover, the technology å BAT process most easily accommodates the large numbers of pollutants and requirements in the Act provide the most reasonable and most effective mechanism for dealing with the majority of these pollutant problems. The last five years of experience in implementing PL 92-500 have effect type health based tests under Section 307(a). It is important left the Agency firmly convinced that the Best Available Technology however, to think of BAT in its most up-to-date frame of reference. Earlier BAT as well as BPT standards

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primary focus on a group of sixty-five high priority elrments, compounds and classes of compounds. I would like to point out that in formulating the Act, a large measure of credit is due to the environmental groups who participated in last year's court settlement which embraced this focused primarily on conventional parameters. However, our current participation, which we will continue to encourage, as authorized, this strategy, which is fully authorized by sections 301 and 304 toxics in twenty-one high priority industrial categories with a strategy calls for the use of revised BAT standards to control· strategy. It is an outstanding example of the value of public in all phases of implementation of the Act.

in BAT, the ultimate task of controlling toxics will not be easy. We are de must pursue, and our current work will help pave the way for eventual Let me leave no doubt that even with the technology based approach 402 a supplemental authority to regulate and prohibit specific measures practices which are ancillay to traditional manufacturing processes dealing with large numbers of very complex pollutants about which very protection of our nation's waters from toxic discharges. Accordingly, we are making no suggestions for major changes to the BAT provision human health. The Agency is convinced that this is the course that last week, many of those pollutants have serious implications for at this time. However, we are proposing under sections 304 and little is known. But, as the Committee heard from Dr. and

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and which contribute significant amounts of pollution to navigable waters. Such authority would be used for special cases where portions of industrial flows are so erratic or unpredictable as to make the development of specific effluent limitations very difficult and resource intensive. He also are offering a proposal to have the review of effluent limitation and other national standards consolidated into the Court of Appeals for the District of Columbia. This would eliminate a considerable amount of confusion and delay from the standard setting process. Finally, we are offering a proposal which would limit the use of variances under section 301(c) of the Act for BAT limitations

Our current strategy also provides for use of section 307(a) of the Act for special situations where the BAT provision, because of economic or technical constraints, cannot provide adequate protection to human health and welfare. Our past experience with section 307(a) has shown that it is not amenable to dealing with large numbers of pollutants and sources. Its health orientation and pollutant-by-pollutant approach coupled with the formal rulemaking requirement make it too resource intensive to use on a large scale. However, we believe there will be cases where BAT will lead to limitations that still leave an unacceptable threat to human health and welfare, and that the more stringent health based requirements under section 307(a) will be needed. Accordingly, we feel strongly that section 307(a) must be preserved for this special purpose and are offering

several minor changes almed at making Section 307(a) more functional. Our proposal to change 307(a) procedures from formal to informal rulemaking is the most essential of the changes we are offering.

Finally, aggregate analyses indicates that With BPT and secondary treatment While non-point sources seem to account for the majority of the remaining eventually in place, approximately one third of the point source loadings BPT. However, there is evidence that significant problems still remain. Tows so that the resulting impacts on oxygen often are not significant. Commission says could offset many of the gains from BPT. Our data also pollutants. It is apparent that substantial gains have been made with Using available monitoring data and information from the report of the controls, our estimates are that with BPT, there still will be between 30 and 50 percent of the nation's waters east of the Rockies and 20 to the dissolved oxygen levels needed to support a balanced population of that these figures fail to take into account growth, which by 1985 the indicate that the remaining dissolved oxygen problems still tend to be Having discussed the role the Agency sees for BAT for control of 35 percent of the waters for the entire country that fall to maintain destrable fish and other aquatic life. It is worth noting, moreover, associated with point source rather than non-point source discharges. 80D loadings after BPT, these non-point source loadings occur at high toxics, I should say a few words about BAT for the more traditional Mational Commission on Mater Quality projecting the impact of BPT of 80D still will come from industrial sources.

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should we find that the existing legislation does not provide suitable

flexibility we will offer appropriate legislative amendments.

absence of any toxic pollutant problems. As our analysis continues,

Because of these findings, the Agency is convinced that for some industrial categories it still is reasonable to seek additional abatement

of BOD and other traditional pollutants through a second round of ... national limitations. Our analysis to date shows that it is impossible to respond in a general way to the Commission's conclusions that BAT as initially promulgated by the Agency, would be inefficient for conventional pollutants from a cost-effectiveness point of view. Rather, we have found that this question has to be addressed on an

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conventional pollutants from a cost-effectiveness point or view.

Rather, we have found that this question has to be addressed on an industry by industry basis. There will be some industries for which BPT controls for convential pollutants have achieved all that can reasonably be expected for the immediate future. However, there will

reasonably be expected for the immediate future. However, there will be a number of cases where this will not be so. For example, there currently are some industries where the estimated costs of a BAI

increment of control for BOD is far below even the cost of secondary treatment for municipal systems in terms of cost per pound of pollutant removed. Clearly this is not a hard and fast test of what BAT should

removed. Clearly this is not a hard and tast test of what one should be for industry, but it tends to substantiate the point that in some industries additional controls for conventional pollutants can be obtained under BAT for very reasonable costs. Accordinaly, the Agency

obtained under BAT for very reasonable costs. Accordingly, one Agency is in the process of reviewing its existing BAT standards for convential pollutants to insure their overall reasonableness. Where the BAT

pollutants to insure their overall reasonableness. Where the BAT standards result in additional costs that appear to be unrealistic in light of the associated incremental reductions in pollutant loadings, the standards will be appropriately modified. We believe the Act

ifficult for toxics than for traditional pollutants, and even the latter criteria for a large number of toxic pollutants. However, it is doubtful ire not easily dealt with by water quality standards as witnessed by the materials. Indeed, only 27 States had standards for one or more metals. increased reuse and recycle of toxic waste streams. Not only will this 46 States and territories have no specific standards for organic toxic establishing cause/effect relationships is an order of magnitude more 1972 Act. In the long term, the only effective ways of assuring full However, the 1972 Act is testament to the fact that the water quality in element of our pollution control strategies for a number of years. hat toxics can ever be effectively controlled in this manner since protection from toxic discharges will be through source controls and standards. Clearly, the concept of water quality standards has been standards approach is very difficult to apply. This is especially true for toxics where, for the most part, the Agency and the States number of toxic pollutants. For instance a recent Agency survey of published documents on State water quality standards revealed that the Agency currently is in the process of developing water quality Before leaving the industrial area, I would like to say a few do not have specific water quality standards for any substantial words about longer term objectives and the role of water quality

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clearly allows for such a test of "reasonableness," especially in the

provide needed protection from toxics, but it will help make it more feasible to "recapture" the Water resources, nutrients and other "valuable elements from industrial, as well as municipal, waste streams.

Many industrial facilities already achieve extensive reuse and in most cases find it much more economical than end-of-pipe treatment. In fact, recent surveys have found over 108 industrial subcategories (out of about 650 in the 43 major industries of concern) where complete elimination of discharge has been found feasible just at the BPT level. Individual plants in numerous other subcategories also have achieved this level of control. Thus, while BAT and 307(a) limitations along with water quality based limitations serve as the immediate approach, the goals of reuse, recycle and eventually elimination of discharge are not only feasible, but provide the only certain protection gainst toxic and hazardous discharges.

Regarding the question of goals, I want to emphasize that the current goals in the Act for 1985 have been of great benefit in providing a target for our efforts and in bringing innovation and process changes into the industrial control program. It has been a valuable and commendable goal and we intend to continue to examine its utility in light of our present program and the current industrial and municipal strategies.

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#### OTHER PROGRAMS

water quality planning and management functions of the Section 208 We must recognize that each category of non-point source f also believe that the cooperation of other agencies which manage raditional as well as toxic pollutants. The non-point pollution Although the FWPCA is focused upon the elimination of point In many areas, rater pollution. It is equally important that Federal agencies comply with pollution control requirements of both EPA and the Federal lands is vital to the successful control of non-point problem will be given increased agency priority in the coming strategies may also vary according to the locality or region. unoff, account for significant pollutant loadings, for both non-point pollution sources, such as agricultural and urban is different and will require different control strategies. sources of pollution, it is equally important that we mare It is appropriate to address these problems in the States. The solution to the non-point problem can only be aggressively emphasize non-point source control. found in a coordinated intergovernmental effort. The final area I would like to, address is the 404 program for discharges of dredged or fill material. By now we are all aware that unrequiated discharges of dredged or fill material have serious adverse effects on the nation's aquatic resources. Physical alteration of lakes, rivers and streams by such discharges can degrade their biological and chemical integrity. Some

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already, with the current rate of loss approaching 360,000 acres a year. Even those who oppose the 404 program concede that our remaining swamps and marshes play an essential role in our collective effort to meet the objectives of the 1972 Mater Act. They provide the breeding and nursery areas for fish and wildlife, remove and recycle organic and inorganic pollutants from ground and surface water supplies, and buffer the destructive effects of storm and flood maters.

This concludes my testimony, Mr. Chairman. I believe you have some descriptive material before you on the Agency's progress with funding alternatives technology construction grants and on the federal funding of priority need. I will be pleased to discuss this

material with you and to answer any questions you might have.

The past two years of program implementation have been a learning experience. Unnecessary regulation of minor discharges and small waterbodies is being avoided through the issuance of general and nation-wide permits. Hundreds of projects involving potentially harmful discharges have been modified to protect the aquatic environment including thousands of acres of wetlands. The Corps of Engineers will soon promulgate reorganized and greatly clarified regulations to further cstreamline the program's administration.

While the current program is effective and many of the criticisms made in the past are being corrected administratively, we are recommending a few limited changes. These would provide EPA with authority to transfer the Saction 404 permitting responsibility for Phase II and III waters to those States that have adequate programs. We look forward to working with the Senate and House Committees on this legislation which will encourage more States to become involved in this extremely important program.

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The President's directive to base water resources policy on water conservation puts increasing importance on research. Overall, there is a critical need to insure that Federal research activities address the rapidly changing social concerns and environmental problems in a timely and responsive manner.

Porhaps the best indication of the objective of water resources research can be obtained from the preamble to the Mater Resources Research Act of 1965, as emended, which states:

"...to nasist in assuring the National at all times of a supply of water sufficient in quantity and quality to meet the requirements of its expanding population, it is the purpost of the Congress, by this hot, to stimulate, sponsor, provide for, and supplement present programs for the conduct of research, invastigations, experiments, and the training of scientists in the fillids of water and of resources which affect water."

In addition, there is a need for xesearch knowledge to reduce or elisinate any adverse environmental impact from the devalopment and use of water resources.

At the present thes, over 30 Raderal agencies are involved in 'waterrelated research. Host of this is carried out by agency staff or through
contracts and grants with private industry, universities, and State and
local governments. Four separate categories are involved:

— agency research directed toward program objectives, such as
reservoir regulation by the Corps of Engineers or waste treatment

technology by the Environmental Protection Agadayı

This situation reveals several issues to be resolved. These issues involve how coordination should be accomplished, how priorities are to

--- earth science research and surveys such as those undertaken by the U.S. Geological Survey and National Oceanic and Atmospheric Administration;

-- rosearch grant programs such as that sponsored by the National Soience Foundation; and

-- development of new technologies, such as desalination research
by the Interior Department's Office of Water Research and
Technology.

Econorur, Federal research is fragmented with a minimum of coordination. This situation raises three problems.

 Uncooxdinated individual agency efforts do not produce cohorent results. Overlaps, duplication, and omissions are likely.  Decause results are not compared or evaluated, the effectiveness of the research is not known. 3. The emphasis on individual agency research results in a focus on narrow particular program objectives to the detriment of larger problems or issues. The distribution of expenditures for Pederal water research activities is indicative of this situation.

Approximately one-third of the funds is for vater quality management and protection. Other significant research expenditures are for fish and wildlife habitat, protection against vater-borne disease and harands, hydrologic investigations, and water supply augmentation.

improvement of the present situation? Is research confined to the "hard" ud biological sciences or does it include a part for the social sciences and business arts and practices? These questions and others confront the research fit into the process? How much promise does research offer for commissions and Federal agencies, including the Water Resources Council, outside the usual system of planning, development, and operation, with be established, how messuch results are to be evaluated, made known, should be considered. Research is not a process that should occur Just how does and put into use. The role of State governments, the river basin the "feed-into" and feed-back" left to spontaneity. water resources community and the general public.

The following options are presented as a means of addressing the above they are suggested as a means to solicit discussion and to induce the research. These options are not the only ones conceivable or viable. problems and issues and improving national policy in water resources expression of other options by the public.

would establish priorities, coordinate mission-directed research dissemination. The agency would also operate a central informa-Executive Branch of the Federal Government. The central agency tion and data system for water resources research. A variation magnitudes of budgets, and approve individual projects above a certain dollar level. The central agency would also evaluate 1. Contralize all water resources research in one place in the of the individual water resources agencies, determing the research results and arrange for technology transfer and

would be to cantralize just the planning of research and setting

of priorities in a new agency.

Resources Council, or some other organization, for the establish-2. Maintain essentially the present dispersed system of individual agency programs but with close coordination through the Water ment of priorities and research centers or excellence on a regional basis, with the participation of the river basin commissions and the States.

block grant system to States and universities, with a portion of the grants earmarked for particular national objective projects. 3. Replace the present system of individual agency programs with a The national objectives would be determined and prescribed by the Water Resources Council.

Chairman of the Water Resources Council, and such other officials as the President may select and including a representative of the of Science and Technology, the National Academy of Sciences, the Grant Universities, private large-scale technology industry, the Mational Governors' Conference, the National Association of Land of the directors of the National Science Foundation, the Office Establish a national water resources research council composed priorities, annual budget magnitudes, and establish evaluation national research foundations. This council would determine Wational Center for Appropriate Technology, and the major criteria for awarding of grants and contract research

EDERAL RESERVED WATER RIG

rights ... " (emphanis added). Subsequent to the Desert Land Act, the States

However, there have been no Federal statutory criteria enacted to quantify

the amount of "surplus" water subject to appropriation by the States.

have ilcensed and regulated the use of the waters of the public demain.

free for the appropriation and use of the public ... subject to the existing

Statement of the Problem

suming and coatly litigation to determine the respective rights of competing may have concurrent jurisatiction with the Tederal courts over controversics involving Federal rights to the use of water. Determinations of the rights Lack of quantification procedures acceptable to both the Federal Government also present water uses, mandates a concerted effort by all elements of the lack of definitive guidelines for quantification of Federal reserved water basic recognition, coupled with such factors as the finite supply of water, sovereigns and other public and private entities with regard to quantities and the non-Federal entities with regard to water resource uses results in to resolve the present problems, not only because of its Federal purposes. " Merceer, the current state of the law is such that State courts complexities of the problems by creating additional arenas in which water public and private sectors to resolve these quantification issues. It is Incumbent upon the Federal Government to take the initiative in proposing Since it is not possible to know with cortainty the amount of water held of the Federal Government in State courts and vice versa only add to the new applications of vater for energy priorities, and the desire to maxirights, or surplus water within the public domain, results, in time-conof vator which may be used for any particular beneficial or authorized under Federal reserved rights, effective administration is difficult. uncertainity of Federal and non-Federal water resource development. quentification issues are addressed without definitive resolution. the purposes for which the Land was reserved. What is most significant with have not been quantified. Lack of quantification of Federal reserved source users and devalopers because it conflicts with the vator lay doctrine installation, at least as early as the date the reservation was estabilished, obip of the land by or over which the vater flows but rather on the physical respect to Federal reserved water rights is the fact that the large amounts appropriation of water and its, application to a baneficial use. As batruca generally recognizes that when the United States establishes a Federal remessure of the appropriative right is the anount of vater which is actually the public domain. The domain of appropriation is not based on the orner-A judicially created doctrine of water necessary to fulfill the purposes for which the reservation were water rights presents problems for both Rederal and non-Rederal unter racompeting appropriators, the one first in time is first in right, and the water...upon the public lands and not navigable, shall remain and be held of approprietion which developed as the western States were created from Land Act (43 U.S.C. 321) wherein Congress declared that"... all surplus spplied to a beneficial use. This doctrine was sanctioned by the Decert servation such as a national park, forest, wildlife refuge, or military sufficient quantity of unappropriated water is reserved to accomplish

swell-belanced and comprehensive water resources development policy. The swell-belanced and comprehensive water resources development policy. The gest category of Federal water control works constitute the laxigated Covernment's navigation and flood control works constitute the laxigater in the Mation's nainstreams and their tributaries. These activities, in conjunction with the operation of major irrigation works of the United States and the millions of acres of Federal lands in the western States, are more than ample justification for Covernmental concern. At the same time, the United States has promoted and encouraged, through its executive agencies, water resource development and use by State and local governments as well as the private sector. Accordingly, it is in the Nation's best interest to examine the Federal reserved water rights doctrines and respective States' appropriation doctrines with a view toward proposing viable mechanisms to insure acceptable and effective water resource development

The following issues and options are presented to the public for review and comment as possible courses of action open to the Federal Government and the States to assist in developing a policy that Will reduce the difficulties which the lack of water quantification procedures or systems has created.

nd use.

# Options Under Consideration

The most extreme options open are for Federal abondomment of all Federal statement of all Federal accorded water respectively water associated with Federal lands on the other. These extreme measures would resolve the problem but they are not under consideration because they are not considered to be consistent with the Mation's interest or sound in terms of long-range water resource planning. Several other

options can be considered. However, none of the broad policy directions listed below address the multitude of details which will have to be addressed in implementing any one of them. In addition, attention is drawn to the fact that it is not necessary to adopt any of the suggested approaches as a national policy. It may, in fact, be considered more desirable to address the problem regionally, by State, by watershed, or by large river basin, with a range of alternatives available to the interested parties. The possible approaches to be considered for quantifying Federal reserved water rights include:

# I. The status quo.

This option would continue the present procedure of quantifying Tederal reserved water rights in the courts. This option would emable the courts to continue to clarify the law governing the doctrine of reserved water rights. As this law develops, the water users in the various stream systems can approach either the courts or the Congress for resolution of their particular problems.

# Legislative resolution

This approach would involve adoption by the Congress of procedures and criteria by which Federal reserved water rights are to be quantified and a mechanism for management and enforcement. The Government would then apply these criteria to all Federal reservations and enclaves for which reserved water rights are to be calined.

# Judicial resolution

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This would recognize that certain disputes may be resolved only in

court and attempt to eliminate a number of the controversial sreas that prohibit a relatively rapid judicial determination of the extent of the reserved rights.

- A. Modification of the McGarren Amendment to allow adjudication of Federal water rights only in Federal Court
- D. Action to permit the States to represent their citizens
- so parens patriss
- C. Creation of a Federal water court
- 4. Other Rederal initiatives to facilitate quantification
- Congressional authorization to negociate Federal-State

and the public.

B. Expedited investigation and construction of water resources projects that will develop Federal reserved water rights.

Regardless of the option or mix of options that may eventually be adopted, cartain specific issues regarding the extent of Federal reserved water rights have not been definitively resolved. Accordingly, we invite comment on the following issues: the right to use reserved waters off the reserved vations for which they ware reserved; the relationship of reserved rights to interestate competts and court decrees; management authority of reserved

to develop reserved rights; compensation of injured parties resulting from

quantification and use of Federal reserved water rights; and, affects

of changing technologies on reserved rights.

rights to ground water; reserved rights for in-erram purposes; projects

# Desired Public Impact

Attention is again drawn to the fact that these options and issues are not matually exclusive, nor is this list intended to be complete. It is the purpose of this publication to inform the public of the options being considered and to invite comments and suggestions. Finally, the public should also be aware that the present effect is not limited to an approach to the problems posed by the reserved rights dectrine but, rather, is part of the Administration's effects to fashion a comprehensive national water resources policy in cooperation with the Congress

[FR Das.77-21632 Filed 7-22-77; 10:54 nm]

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Water Resources Council Water Resources Policy Study Additional Hearing An additional hearing on the water resource policy study has been added for Washington, D.G. The hearing will be in the interior Department Auditorium at 18th and C Streets, N.W., from 9 a.m. to 5:30 p.m. on August 4th and 5th, 1977. The moderator for the hearing will he announced later.

The President's May 23 environmental message directed the Water Resources Council, the Office of Management and Budget and the Council on Environmental Quality to review existing water resource policy and to recommend reforms to the President within six months. A Policy Committee, chaired by Mr. Guy Martin will carry through the study. The other members of the Committee are Mr. Eliot Cutler, Associate Director of the Office of Management and Budget for Natural Resources, Energy and Science and Mr. James Gustav Speth, Staff Member of the Council on Environmental Quality.

( The message directed that the study be conducted in consultation with the public and with the Congress. Eight hearings, in Minneapolis, Denver, Boston, Atlanta, Los Angeles, Scattle, Cincinnati and Dallas, were announced by the Water Resources Council previously.

The hearing will center on water resource policy and particularly upon the "issue and options papers" published in the July 15 and July 25 Federal Register issues. Copies of those papers are available at the Water Resources Council.

Members of the Policy Committee, their representatives and other high Level representatives of the Administration will serve as hearing officials. At the hearings, anyone wishing to present a written or oral statement may do so by writing: Chairman, U.S. Water Resources Council, 2120 L Street, N.W., Washington, D.C. 20037; or telephone Ms. Trude Brookbank at (202) 254-6453.

If notification is made at least two days prior to the hearing, opportunity to testify will be assured. At the hearing, those who have not made prior notification will be heard as time permits. Oral statements will be limited to 10 minutes. Each witness may be allocated 5 additional minutes to respond to questions from the hearing panel. Written statements received at the Council by close of business August 12 will also be included in the record.

#### l. Time:

The hearing will run from 9:00 a.m. to 5:30 p.m. each day.

### Hearing Procedure:

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- a. Moderator's Authority The hearing will be chaired by a moderator responsible for conducting the hearing.
- b. Hearing Panel A hearing panel shall serve to receive testimony, question witnesses, and provide answers to any questions from any witness. The hearing panel shall consist of at least one member of the Policy Committee or their designees.
- c. Record of Hearing and Availability Each hearing shall be electronically recorded. Duplicates of each recording may be obtained at cost plus handling and mailing charges from the U.S. Water Resources Council in Washington, D.C., 2120 L Street, N.W., Washington, D.C. 20037.

FEDERAL REGISTER, VOL. 42, NO. 142-MONDAY, JULY 25, 1977

hearing orally or by submitting a written statement for the record d., Oral Statements - Views and comments may be presented at the proper hearing at least 2 days prior to the commencement of each statement should be received in writing or by telephone by the as set out in e. below. Notice of intention to present an oral moderator or designated representative of the moderator of the hearing with an advance copy of the statement, if available.

record if received by the U.S. Water Resources Council no later Alternatively, written comments will be included in the

than noon on August 20, 1977.

such notice requirement. Those persons who fail to meet the notice requirement shall be allowed to make presentations as time permits. In scheduling witnesses, the moderators shall give top priority to The moderators shall schedule as witnesses those who meet elected and other government officials.

allocated 5 minutes to respond to questions from the hearing panel Each witness shall be allocated no more than 10 minutes to make their presentation. Additionally, each witness may be and the moderator.

their appearance at the hearing from the public information officer Scheduled witnesses may ascertain the approximate time of of the moderator's respective agency.

introduced into the record if they are submitted to the moderator e. Weitten Statements - Written views and comments shall be within I week after the termination of the hearing.

Daniel P. Beard Acting Alternate to the Chairman Water Resources Council

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